policy REVIEW

Winter 1986 Number 35 Four Dollars

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America's Covenant With Israel
Senator Jesse Helms

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Two Cheers For Nuclear Weapons
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Feminism's New Agenda
Dinesh D'Souza

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Memo to editors

Subject: Oil industry taxes

Next time one of your reporters files a story about taxes and the oil industry, we hope you'll approach it as you would any other news item—making sure its contents are factual, accurate, and complete.

We make this plea because so many "facts" we've been seeing in print and on TV lately aren't facts at all. They're really inaccuracies which have been repeated so often as to become part of the "common wisdom"—things "everybody" knows which simply aren't so. Like the "facts" that frogs cause warts, and night air is bad for you.

Here, then, are some of the questions we hope you'll ask your reporters:

■ Are the "tax breaks" the oil companies are supposed to enjoy really tailored just for that single industry, or does business generally get similar treatment?

■ If all industries enjoy similar treatment, why hasn't that fact been mentioned prominently?

■ Is it good journalism to treat the phrase "intangible drilling costs," for example, as if it described some loathsome disease, while failing to point out that the treatment of research and development and advertising expenditures in the same manner is quite honorable under the tax code? And that most businesses take such deductions, and properly so?

■ Just what are "intangible drilling costs," anyhow?

■ Are oil companies really undertaxed?

■ Just how much do they pay in taxes to the federal government?

■ How does their tax rate compare to other companies in other industries?

■ What's the "windfall profit" tax?

■ Are the oil companies making a windfall?

■ How much money do they make?

■ How do their earnings compare with industry generally?

■ How does the rate of return on shareholders' equity compare? The return on capital employed? The return on assets?

We hope our suggested questions, and others you may add to the list, will prove useful in your goal to inform the public. Certainly there's no doubt that a fully informed public is in a much better position to make and accept policy decisions than a public that's been badly informed or kept in the dark.

(If you would like answers to the questions we've raised, write Box Q, Mobil, 150 East 42 Street, New York, N.Y. 10017. They may give you a fresh slant on our business.)

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LETTERS

Richard John Neuhaus, J. Peter Grace, Bishop Edward J. O'Donnell, Edward Doherty, George Ayittey, James Theberge, George Weigel, Representative Joe Barton, Robert Ballard, Representatives Bill Lowery and Leon Panetta, William Hammett, and others.

The Bishops Strike Back

Dear Sir:

Dinesh D'Souza's essay on the social statements of the Catholic bishops ("The Bishops As Pawns: Behind the Scenes at the U.S. Catholic Conference," Fall 1985) is a valuable contribution to an ongoing discussion. As he notes, the fact that the bishops make pronouncements on social and political issues is not new. New is the narrowly partisan nature of the more recent pronouncements and the remarkable dependence upon a few staff people who barely attempt to conceal their heavily ideological intentions.

Mr. D'Souza ends on the hopeful note that, as the skewing of Catholic witness is more widely understood, we may expect the bishops to return to a more centrist and credible posture. I would like to think that he is right. Charged as they are with the leadership of the largest single-faith community in the United States, the bishops have a singular opportunity and obligation to elevate the level of moral discourse about the way we ought to order our life together. Mr. D'Souza's apparent confidence in the corrective role that Pope John Paul II is playing will perhaps be vindicated by the upcoming special synod meeting in Rome. Perhaps.

Meanwhile, the article should advance understanding of some current aberrations, even if at the price of embarrassing the bishops whom Mr. D'Souza interviewed.

Pastor Richard John Neuhaus
Director
Center on Religion and Society
New York, NY

Dear Sir:

Dinesh D'Souza's article, "The Bishops As Pawns" is one of the best treatises on any issue that I have had the pleasure of reading. Congratulations! This is a real hard strike on the liberty bell and demonstrates ignorance where it's abundant. You do great work indeed.

J. Peter Grace
New York, NY

Dear Sir:

Dinesh D'Souza's article on the Catholic bishops' widespread ignorance on policy issues is both instructive and sad. Instructive, in that it proves what many of us have been saying for some time: the bishops are in way over their heads. Sad, in that it marks such a sharp departure from their earlier wisdom: they used to know when they were overstepping their competence.

The current kind of pastoral letter can only be called a political statement and one, as Mr. D'Souza shows brilliantly, only tenuously representative of the bishops as a whole. The U.S. Catholic Conference staff has far more to do with these letters than the U.S. bishops as a body. Though the staff members have received much criticism in certain quarters, they deserve even more. Many of them are likeable and sincere people who really do not understand that they have crossed the line into partisan politics. This makes dealing with them all the more frustrating.

For Catholics and those who wish to see the churches play a proper role in public policy issues, this identification of partisan positions with Christianity is even more distressing than the widespread ignorance Mr. D'Souza found. Though I do not like the bishops' recent pastorals, I would not want the bishops to come out with a benediction of my own political judgments either. Very few public issues admit of a simple "Christian" answer. In politics as in theology, the proper formula is more often *fides quaerens intellectum.*

Robert Royal
Ethics and Public Policy Center
Washington, D.C.

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Dear Sir:

As I worked peacefully at my desk one morning, a person identifying himself as Dinesh D'Souza called and asked if I would discuss with him some aspects of the bishops' pastoral on the challenge of peace. I'm always accessible to discuss such matters, but it quickly became apparent that Mr. D'Souza wasn't much interested in a discussion, but had an agenda of his own.

He began asking specific questions of fact that few people even in government or the military would be able to answer precisely without checking the facts ("How many troops do we have in Europe?" "What percent of the budget goes for defense?"). I realized that it was Mr. D'Souza's intent to frame questions so as to cast doubts on the knowledge and background of the bishops and so I preferred not to estimate or approximate figures, but to refuse to answer until I could check.

I did—and I do—question not only the nuclear deterrent but some strategy of the Allies (as well as the Axis) in World War II. I specified the saturation bombing of a population center like Dresden, which I have never seen justified by military experts as essential to the war effort and which I have seen condemned by theologians of every persuasion, and by bishops and popes.

I'm really not sure how a person can be expected to win a fight if he "turns the other cheek" instead of returning evil for evil. Neither am I sure how a person can compete in a competitive business world when constrained by moral principles ignored by the competition. In this sense, I don't know how a people can defend themselves in a brutal "total war" when the enemy does not observe the same principles of morality as I feel compelled to do.

Finally let it be noted that as a rookie bishop I was never involved in the bishop's discussions of the pastoral on peace. I did not vote on it, and I did not sign it. As a Catholic and a priest, I was proud of the bishops and support their conclusions.

The Most Reverend Edward J. O'Donnell
St. Louis, MO

Dear Sir:

Dinesh D'Souza's participation in bishop-bashing, the preferred indoor sport of conservative and liberal Roman Catholics alike is embarrassing in its factual errors.

Mr. D'Souza contends he contacted "several rank and file bishops . . . selected randomly to represent the mainstream of the American hierarchy." I recently attempted to contact the same six (one ducked my calls and another was at a funeral) and found that three, possibly four, of his "mainstream" bishops were members of Pax Christi-USA, the ultra-liberal pacifist organization which counts 57 of the nation's 384 or so bishops as members. The chances of reaching three or four Pax Christi bishops of six selected "randomly" are astronomical, and I am curious as to his selection methodology.

There are further connections made or implied between these bishops and the pastoral letter on war and peace, and between them and "Belgian Archbishop Jean Jadot, who from 1973-1980 oversaw the appointment of more than a hundred bishops tolerant of dissent in the church and eager to stress 'social justice' over their spiritual ministry." I am eager to see the statistical analysis which supports such an assertion; even Pax Christi-USA President, Auxiliary Bishop Thomas J. Gumbleton of Detroit, was made a bishop two years before Archbishop Jadot got to Washington. Two of Mr. D'Souza's six "random" bishops were appointed before, two during, and two after the years of Archbishop Jadot's influence.

Where Mr. D'Souza is on the mark is in investigating the political aims of the National Council of Catholic Bishops' staff.

Phyllis Zagano
New York, NY

Dear Sir:

Dinesh D'Souza appears to suggest that the availability of employment is dependent on the "robustness" of the economy. Conservatives are frequently suggesting that the function of growth is to provide more jobs.

The fact is that the possibility of employment depends almost entirely on how flexible wages are. Given wage flexibility you can have full employment at any level of growth.

The attempt to link economic growth with employability enables politicians to evade the real issue. By doing this they avoid facing up to the coalitions that are responsible for the downward inflexibility of wages that prevent the clearing of the labor market.

James A. Sadowsky, S.J.
Department of Philosophy
Fordham University
Bronx, NY

Dear Sir:

In "The Bishops As Pawns," Dinesh D'Souza castigates the American Catholic bishops for entering the political arena and issuing two pastoral letters "that challenge the basic tenets of U.S. defense and economic policy." Not only is Mr. D'Souza concerned about the bishops' activism; it appears that he is concerned that Rome is concerned.

Mr. D'Souza quotes Monsignor Joseph Whalen, a secretary at the Apostolic Nunciature in Washington, to the effect that "Rome is not totally opposed" to the bishops' pastoral letters but notes that if his office had produced the documents, "they would have been different." Mr. D'Souza evidently found nothing strange about this comment from an office whose duties do not include that of producing pastoral letters, but then perhaps Monsignor Whalen never made it.

As his title implies, Mr. D'Souza is anxious to show that the bishops know next to nothing about defense or economic policy and that their pronouncements are concocted by staff employees, an "increasingly militant set" of "men with a political agenda and intensity that is not shared either by the bishops or by the vast majority of American Catholics." He does not reveal by what techniques of public opinion research he knows the minds of American Catholics, but he has talked with six (out of some 260) "randomly selected" bishops "to find out how much they know about de-

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fense and economic policy matters."

Mr. D'Souza never explains how the bishops' conference works or to examine the process of consultation with scores of specialists that accompanied the preparation of both documents. He could have compared the process with the quite analogous process by which legislation is adopted in the Congress: the hard work is done in the committees with staff and outside witnesses and the final votes depend on the confidence the lawmakers have in that process. Mr. D'Souza's quizzing of randomly selected legislators could produce similarly vague answers on almost any issue from legislators who were not part of the committee work on a given bill.

But Mr. D'Souza's real target is not the bishops; his target is the U.S. Catholic Conference staff of which the bishops are pawns, and in which they put their misplaced trust. Most, he says, have no formal training in economics or defense strategy. He quotes Professer Brian Benestad that there is "no political diversity" on the staff, and that the U.S.C.C. "thinks it more important to issue partisan policy statements than to communicate the principles of Catholic social doctrine." Decoded, this last quotation does not challenge the staff's knowledge of Catholic social doctrine but means that the collective effort to apply them to specific U.S. policies has a partisan motive. Most serious critics of the two pastoral letters at issue who have disagreed with specific recommendations on substance have generally acknowledged the integrity of the bishop's motives and their painfully obvious efforts to avoid partisanship.

The U.S.C.C. staff in question, in the Department of Social Development and World Peace, adds up to 12 professionals with liberal (that's not opposed to conservative) educations and graduate work in economics, law, theology, or sociology. The present writer is a trained economist (Harvard M.B.A.), studied strategy for one year at the National War College and handled NATO problems for two years in the Policy Planning Staff of the State Department. He has never met Brian Benestad and does not know how Mr. Benestad could judge his political views.

Mr. D'Souza seized on the fact that I regard nuclear deterrence both in current theory and in policy as immoral. I did not succeed in communicating this view to the bishops but I am nevertheless suspect. My interest in our conversation was in discussing the ethics, not the policy, of deterrence. Mr. D'Souza could see only the policy implications: unilateral disarmament, Soviet hegemony, loss of freedoms, etc. My attempt to argue that my ethical position was a traditional, not a consequentialist, position and could not be swayed by consequentialist arguments is easily subject to ridicule by one who confuses ethics and policy. In refusing to legitimate nuclear deterrence, I argued that I did not will all the horrible consequences that might flow from nuclear disarmament, but did argue that they were nowhere near as horrible nor as permanent as those that would ensue in a major nuclear exchange.

I did say that the situation in Poland did not warrant a nuclear war of liberation and that by the same token a nuclear war to defend the United States against a like fate was not self-evidently the only alternative. I never said that it is "preferable for America to be in the position of a conquered Afghanistan" and I regard that as a deliberate distortion. I did mention the war in Afghanistan as an argument against a pure pacifism which would reject the right of the Afghan mujaheddin to defend themselves. I did not say that a Soviet occupation of the United States would be good from a moral point of view; only that if such an occupation did occur, Americans would still have the same means of defense available to the Poles and the Afghans. Consequences may not be determinant in ethics but they do have relevance.

Mr. D'Souza's reporting of this whole conversation exposes his lack of interest in moral discourse and the basic chauvinism of his approach to security questions: the United States is justified in employing any measures, including the use of nuclear weapons, to frustrate Soviet aggression. This may seem, to him and many other Americans, as the only practical, realistic policy, but that does not make it square with traditional Christian ethics.

Later in his piece, however, Mr. D'Souza shows that he would like to have the moralists on his side. It seems that the popes "have not condemned the possession of nuclear weapons for the purpose of deterrence" but have "repeatedly reaffirmed the right of the free world to defend itself against aggression." The neat juxtaposition of these two indisputable assertions is meant to convince the reader that the Vatican is ready to see nuclear weapons used in event of (Communist) aggression. This forensic leap is an insult to the Magisterium.

Finally, Mr. D'Souza shows his ignorance of the Christian moral tradition by saying that the bishops' "pastoral letter on war and peace seemd to depart from the position of Rome in its assumption that the threat to use nuclear weapons either automatically assures their immoral use (which is the opposite of the purpose of deterrence) or is morally tantamount in their use (a concept utterly new to just war theory or the Christian tradition)." This "departure" deserves some analysis.

Mr. D'Souza's claim that the "immoral use" of nuclear weapons is the opposite of the purpose of deterrence, is borrowed from Michael Novak. In his shadow pastoral letter, "Moral Clarity in the Nuclear Age" Mr. Novak wrote:

> Those who intend to prevent the use of nuclear weapons by maintaining a system of deterrence in readiness for use do intend to use such weapons but only in order not to use them, and do threaten to use them, but only in order to deter their use.

Justus George Lawler, one of the first Catholic scholars to address (in 1965) this problem, disposes of Mr. Novak's contention in the following words in *The Christian Century* in April 1984:

> It is ontologically impossible

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to intend to use something in order not to use it. This curious surd is highlighted if the second clause is rendered as parrallel with the first. It then reads: '(We) do threaten to use them, but only in order not to threaten to use them." No mere fiat by Novak can ordain these to be rational statements.

Mr. D'Souza's second gaffe, in his attempt to bring the bishops back to Rome, is his confident assertion that the idea of a conditional intention being tantamount to action is "utterly new to just war theory or the Christian tradition." Mr. Lawler's "the ethical principle remains firm: if something is wrong when done, it is wrong when intended" may not satisfy Mr. D'Souza. If so, he should consult any of the standard pre-conciliar texts. Mr. D'Souza's moral confusion is all too common among people excessively preoccupied with policy. It consists in thinking that morality is the servant of policy.

In politics, Stanley Hoffman recently observed, it is impossible not to be a consequentialist. For politicans, the end may justify the means. There are hard choices for people who have chosen that profession. They should not expect the moralists in every case to justify their choices.

A final note: this letter expresses the views of the writer, not of the U.S. Catholic Conference.

Edward Doherty
Department of Social Development and World Peace
U.S. Catholic Conference
Washington, D.C.

Dear Sir:

Dinesh D'Souza did not give adequate treatment to a view, shared by Edward Doherty and me, about why nuclear deterrence is immoral. The reason is that it threatens the mass destruction of innocent Soviet civilians. Deterrence depends not only on the promise but also on the willingness to carry out this evil deed.

If here and now I am willing in certain circumstances to do what is morally evil, I am here and now guilty of moral evil. It is true that acting out an evil intention will generally be more evil than simply harboring it; still, to be willing to do evil is itself evil, regardless of whether one ever performs the deed.

Many people apparently reason that the moral goodness of the deterrent is absolutely secured by its nonuse. This overlooks the fact that morality resides in the will before it is present in deed: one can sin grievously without any external behavior. The first relevant moral question to be asked about deterrence is not whether the deterrent has worked so far (it has), nor whether it is working now (it is), nor whether it will go on working in the future (who knows?). The question is: if I approve the deterrent here and now, what am I here and now willing?

Someone might object that it is morally obligatory to retain the nuclear deterrent, considering what might happen (loss of political and personal liberties). This, however, is not an ethically coherent argument. We are morally responsible for the evil we will to do (or, as with deterrence, that we will to be done on our behalf). But we are not morally responsible for—guilty of—the evil that is done to us, even though we may foresee it as a consequence of our own ceasing to do evil. I am obliged to cease being willing to do evil to an adversary even though I may anticipate that the adversary will then do evil to me.

This way of reasoning points to a stark conclusion about the morality of nuclear deterrence.

Russell Shaw
Secretary of Public Affairs
United States Catholic Conference
Washington, D.C.

Dinesh D'Souza replies:

In response to specific points raised by the letters:

1. My apologies for implicating Bishop O'Donnell in the war and peace letter he didn't sign. I assume that he will be teaching it in his diocese, however, for which purpose it would probably help him to get acquainted with some of the basic defense concepts that underlie the pastoral. It is simply not true—indeed it is almost absurd to believe—that "few people even in government or the military" know how many troops we have in Europe, what percentage of the budget goes for defense, etc. Bishops are not ordinarily expected to know these things, but if they choose to dissect U.S. defense policy and want to be credible, they must.

2. Phyllis Zagano thinks it is highly significant that three of the bishops I quoted are members of Pax Christi. But my point was not that the Catholic bishops are liberal or pacifist-oriented, but that they are uninformed. Is Ms. Zagano insinuating that liberal bishops are, by nature, less familiar with basic defense and economic concepts than conservative bishops? My selection of bishops was indeed random—I picked them out of a membership directory supplied by the U.S. Catholic Conference. And I quoted every bishop I interviewed, so suspicions that I "only quoted the ignorant bishops" (as one indignant reader charged) may be allayed.

3. That Archbishop Jean Jadot presided over the selection of bishops sympathetic to dissent and social justice theology is not contested by anyone familiar with the American church. Conservative Catholic historians lament Archbishop Jadot's regime; liberal Catholic publications exult in it. Thus James Hitchcock faulted Archbishop Jadot with naming many of the progressives in the American hierarchy in a lead article, "Will Pope John Paul II Reorient a Church at Sea?" in *National Review.* And Robert McClory of the *National Catholic Reporter* (perhaps the most influential organ of dissent in the church) credited Jadot with "handpicking" all the dominant liberal bishops: Weakland, Bernadin, Roach, and Quinn. Nobody said Archbishop Jadot selected the bishops I happened to quote.

4. There is much in Edward Doherty's letter that is elliptical, including his reference to Monsignor Joseph Whalen. Rome doesn't have a department in the United States to help the writing of political pastorals probably because the Pope doesn't want his bishops getting too closely involved in politics, especially partisan politics. He has stressed this nu-

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merous times. This does not disqualify Rome from evaluating the theological aspects of the pastorals, though. And I certainly interviewed Monsignor Whalen and quoted him accurately.

5. Most Catholics voted for Ronald Reagan. Surveys by Harris and Gallup show that they overwhelmingly approve America's nuclear deterrent and the free enterprise system. By contrast, there is not a single staffer at the U.S.C.C. who would identify himself as a political conservative or a Reaganite. The entire U.S.C.C. staff is also deeply hostile to nuclear deterrence and the free market, as is clear from the pastorals it prepared. Perhaps Brian Benestad didn't talk to Mr. Doherty to substantiate his statement that the U.S.C.C. is predominantly liberal, but now that Mr. Doherty has spoken for himself, we see that Mr. Benestad was not mistaken about his views.

6. The fact that legislators are ill-informed does not justify the ignorance of the Catholic bishops. Without having surveyed congressmen, I must say it seems unlikely to me that they would reveal the same degree of innocence about basic policy concepts as the Catholic bishops. Admittedly, our legislators are likely to be comically ignorant about theological matters. Let's hope Congress doesn't pass any joint resolutions on Vatican II or transubstantiation soon.

7. I don't challenge Edward Doherty's credentials. He and Phyllis Zagano are symmetrically confused on this point. Ms. Zagano tries to indict me for selecting liberal bishops, while I was trying to measure the extent of the bishops' knowledge. Mr. Doherty says I understate the experience of the U.S.C.C. staff, while I was trying to point out their narrow ideological agenda. To repeat, the bishops don't know their stuff and are being manipulated by their advisers—informed but politically charged.

8. Mr. Doherty, Russell Shaw, and Bishop O'Donnell raise important points about moral restraints that inhibit a nation from defending itself against immoral aggression. Contrary to nation-state *realpolitik*, Catholic just war teaching holds that states may not pursue any measures they deem necessary to their own survival. In particular, the use of nuclear weapons against innocent civilians cannot be justified. I said this clearly in my article. The real issue, then, is whether possession of nuclear weapons equals their use. The answer is, it does not, although the U.S. must threaten use to have a credible deterrent, its intention is to avoid use. Deterrence is not a prelude or a moral equivalent of use; it is an alternative to use. We have nuclear weapons to avoid using them. Paradoxical? Sure. Immoral? Hardly.

9. What about consequentialism? Mr. Doherty is right that the ends don't always justify the means. But his implication that morality doesn't take into account the consequence of one's actions is wrong, and somewhat chilling. Mr. Shaw and Bishop O'Donnell seem to believe this too. But they should remember that, in their attempt at moral purity, they are not just turning their own cheeks, but also those of others. Morality which accelerates the triumph of the evil aggressor is, at best, a form of abdication; at worst, in collusion with the evil it abets.

10. Edward Doherty states his own position, which I understand and was at pains to clarify in our interview, somewhat deceptively. He does not merely hold: better captivity for the United States than nuclear holocaust. That's "better red than dead." Mr. Doherty told me, in unequivocal terms, that the current U.S. deterrent is immoral and that Soviet occupation of this country would be preferable to the status quo. As I wrote in the article, this position is "better red than immoral." Notice that this view that I am ascribing to Mr. Doherty is entirely coherent with his argument: deterrence is evil; evil is to be avoided regardless of the consequences; ergo whatever the fate of the United States as a result of unilateral disarmament—be it like Afghanistan or Poland—it is preferable to the current state of evil. This is Mr. Doherty's position, when pressed. In our interview, he was pressed.

11. Finally, James Sadowsky is right that even a depressed economy can have full employment—the Soviet Union does, and the medieval serf economies did. But full employment plus a higher standard of living for workers is only possible in a modernized, growing economy. The United States, a growing economy, produced more than nine million jobs in the last few years, while European countries, with stagnant economies, lost net jobs. It is possible to conceive of growth through automation which does not create new jobs, but in practice this never seems to happen.

African Rights

Dear Sir:

As a black African, I read Adam Wolfson's article ("Heart of Darkness: What Governments do to Blacks in the Rest of Africa," Fall 1985) with vigorous interest. This well-researched and documented piece presents a truthful and accurate account of the political situation in black Africa. Mr. Wolfson should be applauded for having the courage to speak out against oppression, not only in South Africa, but in the rest of Africa.

This otherwise excellent article, however, is somewhat marred by the choice of an inappropriate title, "The Heart of Darkness." The title detracts from or diminishes the import of the article. Many black Africans and Americans would find it difficult to associate themselves with such a title.

As Mr. Wolfson aptly observed, "Historically, there has been a reluctance to criticize black tyrants in Africa, lest one be accused of racism." Consequently, the outside world was either silent or too readily found excuses for the failures and atrocities by black African leaders.

That outside silence, which still exists, reflects rather sadly on the deplorable state of race relations. It seems that whites cannot criticize blacks without being denounced as racists, and blacks cannot criticize other blacks in public without being condemned as traitors. So the world watched in silence as black African leaders slaughtered their own people, but was outraged when whites

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in South Africa did the same thing. That conspicuous silence about the atrocities by black African leaders against their own black people is the most insidious form of racial discrimination. It suggests that it is perfectly acceptable for blacks to butcher themselves but morally wrong for whites to do the same against blacks. Oppression is oppression, irrespective of the skin color or ideology of the tyrant.

We in independent Africa feel abandoned by the world. It should be emphasized that the type of leadership we have in black Africa is not what the black African people want. When we fought for our independence from colonial rule in the 1960s, we did not expect the white colonialists to be replaced by black neo-colonialists, imperialists, and despots. One such leader is Banda, life-president of Malawi, who does not think blacks are competent enough to teach at his Kamuzo Academy or serve as doctors at his Kamuzo Hospital. Another is Comrade Mengistu of Ethiopia, who holds guns to his peoples' heads, and forces them to salute another white alien, Lenin, whose picture is plastered all over Addis Ababa.

Neither did we expect to be ruled by murderous buffoons like Idi Amin or Milton Obote, who butchered as many as 100,000 of his own black people. Where were the condemnations or demonstrations in front of the Ugandan Embassy? We look like idiots calling for political freedoms for the blacks in South Africa, which they should have, when in our own black African countries, no such freedoms exist for the majority.

Across the continent, black Africans are angry at the failures of their leaders. Despite Africa's tremendous resource wealth and the billions pumped into the region, we starve under tyranny, economic mismanagement, and kleptocracy—government by armed looters. President Mobutu of Zaire brags that he is the second-richest man in the world, with some $5 billion in Swiss bank accounts. A fraction of his fortune could have brought enough food to feed all the starving in Africa for a year.

Black African leaders are a disgrace not only to black Africans but to blacks elsewhere. Black Africa has not been able to produce a single leader who places the interests of his people above his own egocentric ambitions and self-aggrandizement. Since 1957, there have been more than 100 heads of state in Africa. Less than eight stepped down voluntarily. The rest, a disgraceful lot, had to be removed by force or assassination.

The megalomaniac regimes installed in Africa since independence are alien to our own black African traditions. The traditional chiefs of Africa do not declare themselves "presidents for life," nor suppress dissent. Traditional institutions exist for the peasants to remove an African chief they do not want at any time. Neither do African chiefs impose price controls on their peasants. Democracy, free markets, free trade, and freedom of speech and movement have all been part of black traditions, even before the continent was colonized in the 18th century. Where are these freedoms in independent Africa today? We have enough slogans like "People's Revolution" and "People's Power" from African leaders. Where is the power of the people to remove a head of state they do not want?

Of course, the tyranny in black Africa can in no way justify the abominable apartheid system in South Africa. As Mr. Wolfson noted, the reform campaign against South Africa must be extended to the rest of Africa. Otherwise, it would be a gross dereliction of moral duty to clean up South Africa and leave us to wallow in oppression in independent Africa. Let us also see denunciations of black tyranny at the United Nations and in Congress, and see demonstrations in front of the embassies of tyrannical black regimes, as well as calls for sanctions against them.

George B.N. Ayittey
Professor of Economics
Bloomsburg University
Bloomsburg, PA

Since 1957, there have been more than 100 heads of state in Africa. Less than eight stepped down voluntarily. The rest, a disgraceful lot, had to be removed by force.

George Ayittey

Dear Sir:

We have read Adam Wolfson's excellent article with much interest. We would, however, go even further than the author. South Africa differs from most African states in that it has a legal, efficient, corruption-free government, and a vigorous opposition press (almost the entire Anglophone press opposes the ruling party); a legal opposition in Parliament; a relatively independent judicature; and independent labor unions (including black trade unions).

The South African economy has been the fastest-growing economy in Africa and the only one with an effective private sector. South Africa is not stricken by famines; in fact it feeds all of southern Africa. Something like 375,000 foreign Africans have legally chosen to come to South Africa.

The number of undocumented black aliens in South Africa is estimated at one and a half million—men and women, who in Lenin's phrase, have "voted by their feet" to live in South Africa.

The double standard of justice has always been pervasive regarding South Africa. The Sharpeville shooting of 1960 occasioned 67 dead—a deplorable loss of life. "Sharpeville" thereafter became a term of terror

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throughout the world. Four years later, in 1964, the policy in newly independent Zambia killed an estimated 700 people, members of the so-called Lumpa Church. During the late 1960s and early 1970s, about 100,000 or even 200,000 Hutu were slain in independent Burundi by their Tutsi overlords. Again the international community took no note—for reasons that we have tried to explain in our most recent book *The United States and Africa: A History,* (Cambridge University Press, 1984). Foreign critics of South Africa indeed have cause to remember the biblical injunction: "Diverse weights, and diverse measures, both of them are alike abomination to the Lord." (Proverbs 20:10)

Peter Duignan
L. H. Gann
Senior Fellows
Hoover Institution on War, Revolution, and Peace
Stanford, CA

Dear Sir:

The current outrage against the South African system is understandable. Modern communications bring the violations to our homes for us all to see on television. The contrasts between the affluent lives that only the white people seem to enjoy with the black people living in the homelands stirs concern about social justice.

It is unfortunate that the outrage against violence is selective. When I served as U.S. Ambassador, first to Burundi and later to Uganda, I witnessed massive acts of violence and brutality. After returning to the United States, when Amin was still torturing and killing his own Ugandan people, I found it difficult to arouse concern about the murder of thousands of Ugandans.

The same was true of the atrocities being carried out in Equatorial Guinea and the Central African Empire. Little was said or done. It almost seemed that the media turned their eyes away from those atrocities. It seemed that the world communications network let these outrages "pass by."

Evil is evil. Murder is murder. It is the worst form of racism to practice a double standard on human rights. The cause of human rights in South Africa will be served when there is universal outrage against brutality and repression wherever it exists.

Thomas P. Melady
President
Sacred Heart University
Bridgeport, CT

Religious Wrongs

Dear Sir:

I was impressed with Reverend Michael Bourdeaux's article ("Secular Inhumanism: The Soviet Union's War against Christians, Muslims, and Jews," Fall 1985), because it provided historical background and dealt with the major religious groups, rather than concentrating on a few famous people who are being persecuted.

Nevertheless, it is naive to assert that "There is no comparable strain of atheist activism in the record of Gorbachev." All Soviet leaders are by definition anti-religious and bent on destroying all religion. Of course, this does not preclude the possibility that if the Soviets decide that they badly need some loans and credits they will increase Jewish emigration and release a handful of Baptists. It is precisely this that we should be aware of: we should guard against premature euphoria and never relent in our efforts to demand greater liberalization.

What is needed is the creation of an umbrella organization of Catholics, Protestants, and Jews to constantly keep the fact of religious persecution in the Soviet bloc on the public agenda.

Such a coalition should not be afraid to castigate the mainline churches for their immoral betrayal of religious people in the Soviet bloc and Nicaragua, and for distracting attention to pseudo-issues such as the sanctuary movement and the support of Marxist movements in the Third World.

Conservatives believe that ideas have consequences. We should proceed from the analysis that Reverend Bourdeaux so aptly presented to a program for political action.

Magnus Krynski, Chairman
Department of Slavic Languages and Literature
Duke University
Durham, NC

Dear Sir:

Reverend Michael Bourdeaux's grasp of the nature of Soviet religious persecution is strikingly apparent. He well understands the Soviet tactic of tokenism in very marginally mitigating the crimes against the human spirit and person that are themselves of Soviet design and engineering. The release of Sister Valeriya Makeyeva, after maiming her, reminds one of Dr. Josef Mengele giving chocolates to a child he is about to vivisect.

Though of secular bent myself, and a disciple of Andrei Sakharov in my view of the Soviet Union, my 10 years as a reporter in the Soviet Union convinced me of the utter indispensability of religion to any society. Thus Soviet persecution of religion is bound to be counterproductive to its purpose where you have great numbers of potential adherents to a particular religion, as in the case of the Soviet Slavic population and the Russian Orthodox Church.

However, I fear very much that the Soviet policy of wiping out the Jewish religion within its domain is succeeding. The persecution does produce its share of Jewish religious zealots, but their number is small.

Reverend Bourdeaux devotes the major portion of his article to the Christian religions. But the persecution of Jews, Muslims, and Buddhists is perhaps of more international significance and, in the case of the Muslims, of more domestic significance considering the rapid rise in the proportion of the Muslim population in the Soviet Union.

David Levy
Director
The Sakharov Institute
Vancouver, Canada

Dear Sir:

Reverend Michael Bourdeaux's article on religion in the U.S.S.R. is excellent. Two further considerations round out the picture.

First is the burgeoning, indeed

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crippling, incompetence of the Soviet governmental system. Ideologically, the regime perpetuates its historic anti-religious commitments, and the stalwarts of atheism continue to sound the tocsin against the believers.

But for the past decade, the leadership has been increasingly unable to apply its anti-religious ambitions in practice. More and more, the state's anti-religious campaign consists of a fair number of isolated acts of barbarity, while generally atheism becomes less and less noticeable across the vast country.

For example, the new Constitution of a decade ago contained a draconian redefinition of parental responsibilities. Believers feared that the state intended to forcibly remove children from parents guilty of teaching them religion. But nothing happened. So far as is known, this constitutional measure remains a dead letter.

Second, believers began to take advantage of this official incompetence. There began to be increasing evidence of renewed interest and activity in religion. Official publications began to note (with chagrin) a growth of religious activism in various towns and regions. Religious study groups proliferated. There was even evidence of an increasing sophistication among believers, not only with technology (tape recorders, for example) but even experimentation with a cellular structure in a local church. This approach, whereby small house churches form under the leadership of an institutional, highly organized, central church, has proven immensely effective in urban environments throughout the world, and at last it seems to be arriving in the Soviet cities.

William C. Fletcher
Professor of Soviet and East European Studies
University of Kansas
Lawrence, KS

Dear Sir:

Reverend Michael Bourdeaux distorts the picture of religious persecution in the Soviet Union by blurring the differences in the treatment of various churches by the Moscow regime and the corresponding differences in the level of collaboration or opposition to the regime which these churches offer.

Instead of indiscriminate "persecution of religion" which Reverend Bourdeaux suggests, the Soviet regime practices a selective persecution of those denominations and individuals who are perceived as truly dangerous to the maintenance of the Empire, and a grudging toleration and occasional support of those who do not offer significant opposition.

By Reverend Bourdeaux's own estimates, the Russians are the least religious people of the Soviet Empire, and the Lithuanians the most religious. His estimate of 35-40 million Russian Orthodox amounts to 25-29 percent of the Russian population, whereas the Lithuanians (over two million of them Catholics) are 80 percent Catholic. The other nationalities fall between these two extremes.

In spite of the size of the Russian Orthodox Church, the resistance it offers to the Moscow regime likewise trails behind that of the other churches. In 1979, the Lithuanian church had 12 underground publications; the corresponding number for the Russian Orthodox should have been 200-240. In 1972, 17,000 Lithuanian Catholics signed a memorandum describing the persecution of Catholics in Lithuania; the corresponding figure for the Russian Orthodox should have been 300,000-350,000. In the 1970s, 30,000 Soviet Pentecostals applied for exist visas because of religious persecution; the corresponding figure for the Russian Orthodox should have been 350,000-400,000. If the percentage of Catholic priests presently serving in labor camps were matched by a corresponding percentage of Russian Orthodox priests, the gulags would be peopled by thousands of Russian Orthodox priests. And equivalent to the denial to Jewish parents of the right to teach Hebrew to their children would amount, among the Russian Orthodox, to a denial of the right to study Old Russian literature. The fact is that on a proportionate basis, the Russian Orthodox have suffered much less from persecution, and offered much less resistance, than members of other denominations.

Though of secular bent myself, my 10 years as a reporter in the Soviet Union convinced me of the utter indispensability of religion to any society.

David Levy

Why is it so? Within the Soviet Empire, and within the Tsarist Empire before the October Revolution, persecution has been a way of life for virtually all denominations, with the exception of Russian Orthodox. In 1773, Catherine the Great began the campaign against the Uniate Catholic Church in the Ukraine and forced 80 percent of the Uniates to join Russian Orthodoxy. The same process was repeated in Western Ukraine after World War II in regard to the five million remaining Uniates. To belong to the Uniate Church has been a crime punishable by law both in Tsarist Russia and in the Soviet Union. Under Nicholas I, immediate exile to Siberia awaited Catholic converts from Orthodoxy whereas converts to Orthodoxy were given special privileges.

It can hardly be disputed that the czarist and Soviet regimes have favored Russian Orthodoxy over the other churches, and both have used it as an instrument of Russification. Russian nationalism appropriates this denomination for its own purposes with virtually no resistance from the Russian Orthodox believers.

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Reverend Bourdeaux is doubtless familiar with the fact that at present, an anti-Russian stance is even less tolerated in the Soviet Union than an anti-atheist stance. The danger to religion thus comes not only from Marxist ideology but from an increasingly arrogant Russian nationalism.

Ewa M. Thompson
Professor of Russian
Rice University
Houston, TX

Dear Sir:

The interesting question of Reverend Michael Bourdeaux's survey of religious persecution and religious renaissance in the U.S.S.R. is why these well-documented facts have so little impact on the pronouncements and activities of mainline Protestant and Roman Catholic church leaders in the United States. How can church leaders continue to defend a detente aproach to the U.S.S.R. in light of the persecution of fellow believers? How can Western church leaders fail to see that the religious renaissance in the Soviet Union is perhaps the most important element in the long-term de-Leninizing of the U.S.S.R?

In some cases, the answer to these questions is "ideology," but not in most. There is a profound misconception of peace, and a tragic uncoupling of "peace" and "human rights" in the minds of many religious leaders. Here, a detente psychology is rampant. Conflict between the United States and the Soviet Union is to be understood in terms of psychology. Conflict can be mitigated by "better understanding," which is impeded by holding the Soviet leadership accountable to the human rights standards it formally accepted in 1948 and 1975.

Fear of nuclear war certainly plays its role in these confusions; but the basic problem is deeper. The failure of both mainline Protestants and Roman Catholics to develop a theology of power at the heart of a theology of peace has come home to roost. The result is the abandonment of the persecuted Church.

Father Bourdeaux's insights ought to be welcomed into a genuine peace strategy. Such a strategy would admit, frankly and without either hysteria or tears, that the root of the U.S./Soviet conflict lies in profound differences of perspectives: on what a human being is, on how a society should be organized, on what politics are for. On the Soviet side, the expression of that difference is Leninism. Breaking down the Leninist monopoly of power in the Soviet Union is, therefore, one crucial element in a strategy of peace.

The Soviet leadership knows the threat that religious belief and practice pose to Leninism; that is why they persecute church, synagogue, and mosque. Support for religious dissidents in the U.S.S.R. is thus not only a requirement of faith. It is essential for those who wish to work for peace that they not acquiese in the foreign policy objectives of the Politburo. Peace and freedom go together. Every time a small step for human rights is taken in the U.S.S.R., a small step is taken toward peace.

When this understanding finally wins the day in our churches (and in the policy community, both liberal and conservative), Reverend Michael Bourdeaux's work will be a large part of the reason why.

George Weigel
James Madison Foundation
Bethesda, MD

Dear Sir:

People of conscience should applaud Reverend Michael Bourdeaux's expose of the Soviet Union's war against its religious minorities. Because I am most familiar with the situation of Jews in the Soviet Union, allow me to comment on that dimension of the general problem.

Russian folk antisemitism is deeply rooted and pre-dates the Revolution. This fact lends the offical antisemitism a particular popularity and virulence. Indeed, the history of Russian antisemitism paves the way for anitsemitic indoctrination of Red Army inductees and for the widespread official publication of antisemitic texts today, which results in growing manifestations of anti-Jewish activity in the streets.

Also fueling anitsemitism in the Soviet Union is the added indictment of Zionism. While persecution of a religious minority is generally abhorred by the family of nations, the Soviets have portrayed their own Jewish citizens as agents of an enemy country.

The effect of this vicious campaign is to isolate Jews within their own society and make other victimized groups within the Soviet Union loathe to join forces with the Jewish refusenik community.

Sidney H. Schwarz
Executive Director
Jewish Community Council of
Greater Washington
Washington, D.C.

Democrats for Chile

Dear Sir:

Mark Falcoff's article ("The Coming Crisis In Chile: Pinochet is Playing into the Communists' Hands," Fall 1985), is stimulating political futurology, and filled with the solid information and valuable insights we have come to expect from the author. But is the thesis embedded in this provocative piece likely to be proven correct? Is Chile really heading towards a Nicaragua-like denouement? Is a Marxist revolutionary regime the probable successor of the Pinochet government? Is Pinochet a Chilean Somoza?

The analogy is unfortunate because few countries in the western hemisphere are more dissimilar in their political traditions and cultures, their party structures and armed forces, their political leadership and histories, than Nicaragua and Chile.

Events of the last 15 years, under the Allende and Pinochet regimes, have left a lasting mark on Chilean society and politics. The unfolding political process in the 1980s points away from a catastrophic finale and towards a democratic transition in the Chilean style. The reasons are many.

The democratic left and right gradually have begun to overcome their historical mutual suspicions and distrust and to converge on po-

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litical objectives and tactics for the democratic transition. The National Accord for the Transtion to Democracy signed in August 1985 by 11 democratic center, left, and right parties, and sponsored by Cardinal Francisco Fresno, is a symbol of the underlying process. It constitutes the first multi-party agreement that brings together major sectors of the democratic right (National Party and Union Nacional) and the democratic left (Christian Democrats, Socialists, Radicals, Social Democrats, and others), representing perhaps two-thirds of the Chilean electorate. The National Accord seeks to ensure the definite end of the military regime by calling for direct election of the president in 1989 and the popular election of the entire Congress. The Congress would be endowed with the ability to pass laws, control executive branch finances, and amend the Constitution. These proposed reforms would, of course, require an agreement by President Pinochet and the junta to permit a plebiscite to alter the present Constitution, something Pinochet has adamantly refused to do so far.

The Accord excludes the Communist and other non-democratic parties from political life, advocates the protection of private property rights, and the maintenance of a free market economy. It also repudiates revenge-seeking against the armed forces, proposing that allegations of human rights violations lodged against military and police officials be dealt with by ordinary courts. Even if the National Accord should collapse, the underlying consensus of the moderate democratic forces, however halting and tentative, appears to be taking hold. The unification of these democratic sectors works to isolate both the government and the Communists, and is opposed by both.

Chile's political leadership is also undergoing renovation. The elapse of 15 years since the last presidential election, (and 19 years until the next vote for a president is scheduled to occur) has pushed most of the older generation of political leaders close to retirement from politics. New political leaders in their 30s, 40s, and 50s, some with a political past, others new to the scene, have begun to emerge. Below them, the younger politicians, frequently more pragmatic and open to dialogue, are slowly moving up. A political generational change is already well advanced.

Furthermore, the Chilean Communist Party (P.C.C.H.) is no longer the force it was in the late 1960s and early 1970s, though it is still a strong, disciplined party. The party has lost ground amongst organized labor, university students, middle-class professionals, the urban poor, and the intelligentsia, while retaining influence in all these sectors. Electorally, the P.C.C.H. is far weaker than in 1970, if recent university, labor, and professional association elections are any guide. Not only has the party a weak mass mobilization capability, but the practice of terrorism, ("popular rebellion") has revived fading memories of the chaos and disorder of the Allende years and opened the eyes of Chilean youth to the brutal, undemocratic nature of Communism. The Communist Party and the violent, Marxist left have transformed Chileans into staunch anti-Communists.

True, the Pinochet government is increasingly isolated, as previous supporters and sympathizers (including many former ministers, ambassadors, government officials, and even his own cousin) have distanced themselves or drifted into the opposition. This draining off of support is serious and will surely continue. However, it does not necessarily produce an alignment of the democratic opposition with the Communists and the far left, as some observers have too hastily concluded. In fact, the Communist Party and violent Marxist left also find themselves separated from the bulk of the democratic forces who refuse to collaborate. Thus, the democratic center grows stronger, the government's legitimacy steadily erodes, and its nemesis, the P.C.C.H., is widely discredited and unpopular.

Taken together, these developments of the past several years tend to enhance the prospect for the eventual return to a stable democracy in Chile. They may well presage a major political realignment. No doubt there will be setbacks, but the main direction appears to be clear, despite presidential resistance. The Chilean government and democratic forces are mature enough and sufficiently ingenious to be able to resolve their own political problems and to construct their own path to self-government. Chile's destiny is democracy.

James D. Theberge
U.S. Ambassador to Chile (1982-85)
U.S. Ambassador to Nicaragua (1975-77)
Washington, D.C.

Mark Falcoff replies:

In the mechanics of quarterly magazine publishing, articles are typically researched, written, set in type, and sized into pages some weeks before they actually appear. Such was, of course, the case with "The Coming Crisis in Chile." By the time the National Accord was signed, the editors of *Policy Review* already had their fall issue into mock-up proofs, and they informed me—quite categorically—that I could not add another 300-400 words to take adequate cognizance of what appeared to be—indeed, I think, is—an immense step forward in the creation of a new national consensus in Chile, the essential underpinnings of any lasting return to democracy.

I want to stress that my concerns for Chile are not for tomorrow or the next day, but somewhat further down the road. Ambassador Theberge suggests that a draining off of support for Pinochet "does not necessarily produce an alignment of the democratic opposition with the Communists and the far left." Of course it doesn't—right now. But if President Pinochet persists in his present course, and the democratic center is exposed as incapable of altering it, it will lose much of the legitimacy it presently enjoys and cede ground to those forces most Chileans presently reject. It has happened before.

Was I being a bit hyperbolic by likening Chile to Nicaragua or Cuba, and Pinochet to Somoza? In a way, yes. These are shorthand metaphors for busy people who do not have the

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time to study Latin American history, intended to draw their attention to a single generic phenomenon: the problem of personalistic dictatorship in the late 20th century. As a historian of both Chile and Nicaragua, I am, of course, fully aware of the deep differences of evolution and political culture. Nevertheless, I think it would be wrong to draw too much comfort from these, and set all hope for Chile's future upon its past.

May I add that I know how hard Ambassador Theberge worked for the restoration of democracy in Chile. Had the government to which he had been accredited listened seriously to his counsels, there would have been no need for my article.

Oil and Water

Dear Sir:

The waters and land off our coasts will always be an arena where competing interests seek to win the public's support. The facts presented by Perry Pendley ("Offshore Oil Drilling," Fall 1985) are food for thought.

The real conflict in my mind is an aesthetic issue. The ocean is a symbol to Americans, similar in many ways to that of a horse which should be ridden by man, but at the same time maintain its free spirit. The same is true of the sea. Most want it to provide mankind with its resources, but at the same time, keep its wild qualities. An offshore platform along the scenic and rugged California coast best symbolizes this conflict of interest.

I believe that oil and gas off our coasts are critical to the economic health of our nation, but the symbolic importance of the sea to America's view of itself is equally important.

These two factors can live in harmony, however, if the public is kept informed by individuals like Perry Pendley whose views are critical to this debate.

Robert D. Ballard
Woods Hole Oceanographic Institution
Woods Hole, MA

The oil and gas off our coasts are critical to the economic health of our nation, but the symbolic importance of the sea to America's view of itself is equally important.

Robert Ballard

Dear Sir:

We would like to take issue with William Pendley's article. Mr. Pendley's argument is based on several false assumptions. He ignores the fact that offshore development is limited by the current glut on the world oil market, and not by Congressional leasing moratoria on less than four percent of the nation's outer continental shelf, moratoria necessitated by the ill-advised leasing schemes of former Interior Secretary James Watt and his successors. Second, Mr. Pendley assumes incorrectly that the history of offshore development in the Gulf of Mexico provides an adequate model for development elsewhere.

The fact is that what may hold true off the coast of Louisiana or Texas does not necessarily hold true for California. Unlike the Gulf states, California does not have a broad outer continental shelf which allows development far out to sea. In California, whatever development takes place, must take place near shore. So we are not talking about a benign activity going on behind the cover of coastal fog; this is heavy industrial development near our beaches, lagoons, and estuaries, and near the millions of tourists who spend over $16 billion per year to enjoy our coast. It is not surprising that Californians reject leasing proposals which ignore the unique character of the coast and which fail to address our legitimate environmental and economic concerns. These concerns are not trivial, and they obviously extend far beyond a disruption of the view.

California's $1.75 billion commercial fishing industry is also far different from sport fishing off the coast of Louisiana. While charter boat captains may love the platforms in the Gulf, California fishermen do not love the platforms in the Santa Barbara Channel. Small routine oil spills, day-to-day discharge of drilling mud and cuttings, debris dumped from rigs, and disturbance of the sea floor by anchoring systems already hamper the fishing industry in that area. The Pacific Coast Federation of Fishermen's Associations estimates that over 40 percent of the trawl grounds in the Santa Barbara Channel have been lost.

In areas of intense development, there is a serious possibility of fishermen being excluded entirely from traditional fishing grounds. Certified environmental impact studies from the Point Arguelo units of the Santa Maria Basin document "significant displacement" of trapping, trawling, gill netting, purse seining, and trolling of fishermen from high-yield fishing grounds. The studies document significant temporary and permanent displacement of these fishermen.

For these reasons, while some oil industry supporters may think that offshore rigs are great for the fish, fishermen oppose offshore drilling because of the threat it poses to their business. And clearly, they should know. The fact is that these concerns cannot be adequately addressed until the Interior Department adopts a leasing approach which balances environmental, economic, and resource development needs.

Representative Bill Lowery
41st District, CA

Representative Leon Panetta
16th District, CA

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Dear Sir:

Much of the debate about the impact of offshore oil and natural gas development on the environment is based on misinformation, misunderstanding, and misconceptions. So a fact-filled article, such as William Perry Pendley's, is especially welcome.

The weight of scientific evidence shows that production of oil and natural gas from the sea is not harmful to fishery resources. In the United States, in the Gulf of Mexico, off California and Alaska, marine life thrive simultaneously with offshore petroleum activities. Tourism, boating, beach recreation, commercial, and sport fishing in the communities near offshore operations have not been degraded.

A good indication that petroleum exploration and production is being carried out in an environmentally sound manner is the size of the commercial harvest of fish and shellfish. In the Gulf of Mexico in 1950, before offshore oil and gas development, the catch amounted to 571 million pounds; in 1983, three decades after the beginning of development, the National Marine Fisheries Service showed the catch to be in excess of 2.4 billion pounds. At Santa Barbara, the California Fish and Game Department in 1968 recorded a catch of 14.6 million pounds. In 1970, a year after the oil spill, the catch was in excess of 31 million pounds, and in 1982 it was more than 56 million pounds.

There simply is no evidence to show a decline in fish landings following the installation of oil rigs, platforms, or pipelines. In fact, a platform attracts fish for the same reasons they are attracted to a sunken ship or a natural or man-made reef: it provides shelter and a variety of food for the many plants and animals that make it their home, with the result that there is an actual increase in fish populations.

C. T. Sawyer
President
American Petroleum Institute
Washington, D.C.

Dear Sir:

The House Interior Committee, of which I am a member, held a series of extensive hearings on offshore development this summer. I would like to share some interesting facts uncovered in the course of our hearings. First, offshore oil platforms are an insignificant source of oil discharges in U.S. coastal waters. Last year, the total discharge from more than 3,000 platforms was a mere 670 barrels. Natural seepage accounted for five times this amount.

Second, there is no evidence that an offshore blowout will lead to any permanent environmental damage. According to studies by the University of California at Davis, the Santa Barbara blowout caused no permanent damage to the environment. A study conducted one year after the blowout concluded that there was no evidence that the spill had even occurred. Even the California tourism industry did not suffer as a result of the spill. In fact, business picked up in 1970, just one year after the Santa Barbara blowout.

Third, scientific evidence indicates that offshore development actually results in a higher fish population. Offshore oil platforms are an important source of food for fish, since algae grows profusely on hard surfaces such as platform legs. Because of this ready food supply, platforms are an excellent breeding grounds for fish.

The central argument that my colleagues from California use to justify offshore moratoria is "visual pollution." They oppose offshore platforms because they say they are unattractive. By this logic, the aesthetic beauty of the California coastline is more important than U.S. energy security and the trade balance. It is interesting to note that many of my colleagues who oppose offshore development and cheerfully suggest that we just import more foreign oil are co-sponsors of protectionist trade legislation.

Representative Joe Barton
Sixth District, TX

William Perrry Pendley replies:

Contrary to the views expressed by Congressmen Lowery and Panetta, offshore oil and gas development in America today is limited not by economics, technology, by the "current glut on the world oil market," or by our ability to cope with environmental concerns, but by Congressional inaction. For four years, Congress has placed the acreage most likely to yield significant amounts of hydrocarbons off-limits to exploration and development. The vast majority of that acreage lies offshore California.

The thousands of men and women involved in the search for energy make decisions today, based not on current supply and prices, but on supply and prices in the future. That is why more and more Americans are calling for increased exploration of our nation's offshore energy resources.

Apparently Congress has begun to hear those calls. Recently, with the full support of California Governor George Deukmejian, the Appropriations Committee of the House of Representatives refused, for the first time in four years, to reinstate the offshore moratorium, reversing the action taken by one of its subcommittees. That action may be reversed yet again by the full House or by the Senate.

The issue that faces Congress, and the nation, is not strictly a California question. Although offshore oil and gas activity affects California, necessitating—in accordance with law—that the concerns of its residents be taken into account, the matter of offshore oil and gas development is a national question and must be treated as such. Yet, the weight of the evidence shows that offshore oil and gas exploration—beginning three miles off the California coast—can take place without harming the beauty of its coast, the clarity of its waters, the richness of its fisheries, or decreasing the number of tourists that all of those qualities bring to California.

Fand's Legacy

Dear Sir:

David Fand's article about monetary policy ("Paul Volcker's Legacy: A Reputation for Brilliant Crisis Management and a Monetary Sys-

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tem in Disarray," Fall 1985) makes several valid points. His principal conclusion that we need some sort of monetary constitution that will provide a stable framework within which people can confidently expect price stability to be maintained is certainly correct.

However, his criticism of the way Mr. Volcker has managed policy under the current random-walk standard is overly harsh and reflects a monetarist bias that is far removed from the reality of our current monetary institutions. For over a decade, those institutions have been evolving towards increasing competition.

The implications for monetary policy of the new competitive environment are being studied by David Glasner, a fellow at the Manhattan Institute, who is now writing a book on the subject. Mr. Glasner maintains that in this environment the quantity of money is no longer determined mechanically by the Fed. Rather, it is determined jointly by the independent choices of individuals and the competitive banking system. In a competitive environment, therefore, the test for excessive monetary growth is not how rapidly the monetary aggregates are growing, but whether prices are rising. Since inflation is, by any measure, very low and still falling, the charge that Mr. Volcker has permitted excessive monetary growth is not convincing.

As an aside, it is worth noting that Henry Simons, Milton Friedman's teacher at Chicago, whose essay, "Rules vs. Authority in Monetary Policy" Mr. Fand quotes, rejected, in the very same essay, a rule for freezing the quantity of money in favor of one for stabilizing the price level.

William M.H. Hammett
President
Manhattan Institute
New York, NY

Dear Sir:

David Fand did an excellent job of setting straight the record of Paul Volcker: Mr. Volcker is an extraordinarily shrewd central banker who has shown almost no interest in fundamental monetary reform. We still have essentially the same monetary institutions that have produced one recession after another and a 450 percent increase in consumer prices since World War II. At the same time, Mr. Fand reveals the tensions plaguing the monetarist viewpoint, which he has so well defended over the years.

Most monetarists are ardent defenders of free markets and recognize the inherent problems stemming from the power and operations of government agencies. The informational and political constraints faced by agency officials lead them to behave in ways which, though most often disastrous, are as predictable as the fact that a cat will meow. For someone to nevertheless support the continued existence of a government agency, provided that it behaves in a fashion wholly different from its nature, is therefore, as Milton Friedman has observed, as foolishly wishful as hoping for our proverbial cat to bark.

But when it comes to money, many economists have clung to the belief that a currency produced by a government monopoly agency is acceptable—if only the agency involved, the central bank, would act properly.

There have been occasions, such as in Japan, where if the consensus within the agency is strong enough, such rules have temporarily been more or less followed and monetary instability has been lessened. But even in such cases, inflation and other instabilities have persisted because central bank discretion has never been eliminated. Indeed, this is the very reason why central banks are created!

It is sad to watch economists chastise the Federal Reserve year after year for its "misbehavior." In fact, there is no reason to expect it to act differently. Mr. Fand himself notes, "money growth has diverged so significantly from the Fed's targets as to raise serious doubts about whether the Federal Reserve under its present mandate can follow any monetary guidelines at all."

The fundamental question is thus not who should be Paul Volcker's successor, but should he have a successor at all?

Gregory B. Christiansen
Senior Economist

David J. Theroux
President
Pacific Institute for Public Policy Research
San Francisco, CA

Labor Problems

Dear Sir:

Cait Murphy's article ("Labor Pains: Don't Blame the N.L.R.B. for the Drop in Union Membership," Fall 1985) was a much needed, reasoned analysis of the National Labor Relations Board under the tutelage of Chairman Donald Dotson.

As is always the case with our friends on the left, the reason that Chairman Dotson has been the victim of frenzied attacks is because he is succeeding in rolling back the partisan, pro-union agenda of the Carter board.

Union leaders and their sympathizers in the media and Congress realize that impartiality has been restored to the N.L.R.B. The Carter board could never accept the fact that union interests were not necessarily employee interests. The Reagan board under Chairman Dotson understands this important point and has restored a much needed equanimity to the board's decisions.

Unfortunately, the picture is not entirely rosy. Most of the 33 regional offices of the N.L.R.B. are staffed with career bureaucrats who actively oppose the reforms of the Reagan board.

As to William Winpisinger's comment about returning to the law of the jungle, many employers and employees thought that this was exactly what they were operating under during the Carter years.

Steve M. Antosh
Executive Director
Center on National Labor Policy
North Springfield, VA

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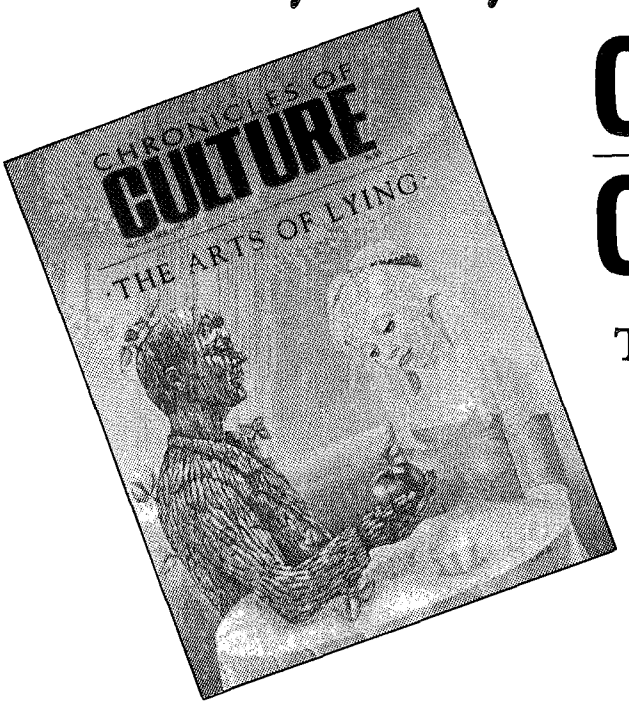

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The War Against Soviet Colonialism

The Strategy and Tactics of Anti-Communist Resistance

Jonas Savimbi

The age of European imperialism ended in 1975, when a military coup in Portugal led to independence for Angola, Mozambique, and Guinea-Bissau. Portugal had been the last European power to maintain sizeable colonies overseas. Now that it was relinquishing its empire, the struggles for national liberation that swept Africa and Asia during the 1950s and 1960s finally appeared to be over. The former British, French, Dutch, Belgian, Italian, and Portuguese colonies could now develop themselves free of imperial exploitation. The peoples of Asia, Africa, and Latin America could live at peace, for the anti-colonial guerrilla wars had at long last been won.

But this dream of peace and national self-determination could not yet be achieved. In country after country, struggles for national liberation were betrayed and hijacked, and new nations found themselves once again the victims of colonialism. This time they were assaulted by a new imperial power: the Soviet Union, acting directly or through its first overseas colony, Cuba. And so the nationalist struggles had to begin anew. Peoples tired of years of war and sacrifice were once again turned into soldiers; their nations became battlefields once more.

For eight years, the independence movement that I founded and lead, UNITA (the National Union for the Total Independence of Angola), fought against Portuguese colonial rule. We expected to win the free elections that had been promised by the Portuguese in 1975, for we had strength in all Angola's tribes as well as overwhelming support among the Ovimbundu tribe, which accounts for 40 percent of the nation's population. By contrast, the other non-Communist independence group, the F.N.L.A. (Angolan National Liberation Front), was supported exclusively by the Bakongo people of northern Angola. And the Moscow-controlled M.P.L.A. (Popular Liberation Movement of Angola) was supported only by urban leftists and portions of the Mbundu people living near the capital city of Luanda.

But suddenly in 1975, Luanda was seized by the Soviet-controlled M.P.L.A. and hundreds and then thousands of Cuban troops. Elections were called off, and Angola was recolonized. Today our land is occupied by 45,000 Cuban troops and colonial bureaucrats (at least 17,000 of whom have taken Angolan citizenship), as well as by thousands of East Germans, Poles, Czechs, and North Koreans. The Soviets have sent $2.5 billion in arms to maintain their imperialist rule.

And so for 10 years more, UNITA has had to continue its guerrilla war—this time against the Cubans and Soviets who have replaced the Portuguese as the foreign rulers and exploiters of our people and land. Today the peoples of Afghanistan, Cambodia, Laos, Nicaragua, Ethiopia, and Mozambique are also waging wars of liberation against foreign troops and foreign secret police and the imposition of a foreign ideology on their nation. They are resisting tyrannical regimes that are kept in power only by the imperialist military force of the Soviet bloc.

This is a historic reversal of roles. For many decades, Communism was identified with nationalism in the Third World, and many Communist parties came to power playing on the nationalist sentiments of the people. But the experience of countries ranging from Afghanistan to Laos to Angola to Nicaragua shows clearly that Marxist-Leninist regimes have no respect for the traditions of a people or for the tribal customs and languages that strengthen a sense of community and of continuity with the past. True nationalists around the world are therefore rejecting the Marxist-Leninist path and taking up arms against regimes that impose this failed ideology.

The spread of anti-Communist revolutions is a historic reversal in yet another sense. Until recently, the language of revolution was written entirely by Communists. From Mao to Che Guevara to General Giap, the greatest theoreticians, practitioners, martyrs, and heroes of revolution were Communists. They wrote the texts and histories; they produced the weapons of guerrilla war. It was to the Soviet Union, China, and Cuba that would-be guerrillas turned for money, arms, training, and political support.

I know, because I received my revolutionary education in China. In 1965, as I was preparing to found UNITA, I met Hua Hua, the Chinese ambassador to Nasser's Egypt. He invited me to Peking, where I met Mao Tse-tung and

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the other military and political leaders of the Chinese revolution. They advised me to return with 12 recruits, and late in 1965 we began a nine-month course in guerrilla warfare.

From Mao and the Communists, I learned how to fight and win a guerrilla war. I also learned how not to run an economy or a nation. Collectivist agriculture does not work. Peasants must be able to own their own land, their own houses, and their own cattle. People must be free to practice their religions, and observe their tribal traditions.

Lessons from Chairman Mao

Today we who fight for these freedoms are using the strategy and tactics of guerrilla warfare developed by the Communists. But we are using Communist military and propaganda principles in order to defeat the Soviets and their political ideology. UNITA is now in the third phase of Mao Tse-tung's classic description of a successful guerrilla war: we are waging widespread guerrilla conflict throughout our country. Our forces control one-third of the territory of Angola, and protect under our political influence some 60 percent of the 7 million Angolan people. Soon we shall liberate all Angola and bring peace, freedom, and true independence to all the Angolan people. We are achieving victory by following the five central principles of guerrilla warfare.

The first principle comes from Mao: a guerrilla must be one with the people. It is more important to win the support of the people in the countryside than to take and hold cities. In Angola, as in China, the great mass of the people are peasants living in small villages. Our first goal had to be to win their allegiance and confidence. Without the support of the people, our roads would be mined with informers. With it, we have an intelligence network alerting us to enemy troop movements out of the cities, and we do not need to carry all our food and supplies with us—critical to a guerrilla movement that has to travel thousands of kilometers by foot and possesses neither trucks nor access to rail travel.

When the people come to trust and support a guerrilla movement, they willingly share what they can. The guerrilla must therefore have strict discipline. To take food from villagers, to steal their land, to mistreat the people is to poison the waters in which the guerrilla army must swim. It is treason to the movement and is punished as such.

To gain the trust and support of the people, it is also important to establish schools and hospitals throughout liberated territory—if possible, even in areas where guerrillas operate but do not control. Today UNITA administers 6,951 primary schools with 7,127 teachers and 224,811 students. We run nine secondary schools with 80 teachers and 1,860 students. Though the main hospital in Jamba, our provisional capital, has only three doctors, the French medical group Medecins sans Frontieres has sent doctors and nurses to Angola to train our people and help administer inoculation programs. Every battalion has men assigned to treat and evacuate our wounded.

The second key to the success of a revolutionary movement is a clear political program. Soldiers cannot fight and the civilian population cannot endure the hardships of war unless the political program meets their daily concerns and

Jonas Savimbi: Fighting the Portuguese was easier than fighting the Cubans and Soviets.

is understood. We have political officers in every guerrilla unit and every village. The political program of UNITA is simple and clear. We fight for an independent Angola, free of all foreign troops. We believe that peasants, not the state, should own farm land. We favor democratic elections, freedom of religion, and respect for tribal customs and languages. We broadcast daily from a mobile radio station in Portuguese and local languages so that all Angolans know why we fight and what our goals are. The United States lost its war in Vietnam when the American people no longer understood why their sons were dying. No revolution or war can succeed unless the soldiers and their families know why they are fighting.

Unity is a third vital point in the success of any guerrilla movement. Guerrillas can only win if their military and political and propaganda efforts are all working in the same direction. Fidel Castro makes unity of command a precondition for Cuban support of guerrilla movements. We saw this in his insistence on a popular front in the struggle against Somoza in Nicaragua. Castro also insisted on unity among the guerrillas in El Salvador, withholding arms and even engineering a "suicide" or two to force the guerrillas to come together under a common command. Some anti-Communist freedom fighters have unfortunately hurt their effectiveness by a lack of coordination between guerrilla forces.

Fourth, it is essential that the guerrilla base of operations be within the territory of your own nation. This is to

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ensure self-reliance, as well as closeness to your own people. Another Angolan guerrilla group, the F.N.L.A., was based in Zaire, and lost its base of operations when Zaire established relations with the M.P.L.A. UNITA had bases briefly in Zambia, but we were expelled after we sabotaged the Benguela railroad through occupied Angola, over which Zambian copper is exported. Never again will we rely on bases on foreign soil.

The Afghan freedom fighters are constantly threatened with losing their bases in Pakistan should Soviet pressure on President Zia increase. The Nicaraguan resistance will face similar problems, should Costa Rica or Honduras be pressured sufficiently by the Sandinistas or the Cubans or the Soviets. By contrast, a base within Angola—we now control a third of the land—allows our guerrillas a safe haven to rest. It gives us a place to train new recruits and it provides safety for the families of our fighters. *UNITA* was able to survive and grow, even during years without international support, because we were self-reliant. We could grow our own food, repair weapons we captured, and strengthen our ties with the people.

The fifth challenge is to establish international political ties—to find allies who will give military, political, and propaganda support. Too often the West thinks only in terms of military support. But political support and international propaganda are just as important, as I learned from General Giap of North Vietnam when I met him in China. He said that the world must know why a guerrilla movement is fighting. A revolutionary movement's supporters around the world must know its successes.

The world must not be fooled into thinking that the M.P.L.A. truly represents the Angolan people or that it has

Support from the United States is vital to drive out foreign troops from Angola.

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control of the nation. That is why UNITA has representatives in Washington, London, Paris, Munich, Geneva, Portugal, Morocco, and Senegal. It is why we regularly invite members of the international press to come to our capital to see our successes, and to interview our prisoners so they may know about the demoralization of the Cubans and the M.P.L.A. Some reporters have travelled with our guerrilla forces and can report to the world the truth of our claims to travel freely throughout Angola, enjoying popular support and winning victories against the supposedly invincible Cuban forces.

At first it was difficult to get the world's attention. Anti-Soviet resistance movements were supposed to be doomed. The West had not yet learned that truly nationalistic movements can use the guerrilla tactics of Mao and Fidel Castro successfully against the Soviets. Some of our first propaganda victories came when we captured Western technicians who worked in the diamond mines on behalf of the Cubans and the M.P.L.A. Finally the West was forced to realize that UNITA was not limited, as is so often said, to the southeast corner of Angola. Governments that refused to recognize us had to come and negotiate for the release of their nationals. And prisoners who were treated well and safely transported thousands of kilometers to our base camps could report to the world that we were not bandits and that we moved freely through most of Angola. Now it is unnecessary to prove these points and we do not take Westerners when we overrun mines and power stations. But we try to warn Westerners that the Cubans and M.P.L.A. cannot guarantee their safety, and we ask them to stay out of all Angola, for it is a war zone.

Guerrilla Strategy

The goals of UNITA are clear and open for the world to see. We will drive the Cubans and Soviets and Eastern-bloc personnel from Angola. We will work with all patriotic Angolans to establish an independent, democratic, and free Angola. We reject foreign ideologies that presuppose masses of industrial workers and men without souls.

Our strategy is to raise the costs of the foreign occupation of Angola until the Cubans and Soviets can no longer bear the burden. A combination of rising military, financial, and political costs will finally drive the imperialist forces from our shores. The French gave independence to Haiti, the first black republic, when Napoleon could no longer afford the financial costs of keeping the country enslaved. He had other uses for those resources. The United States won its revolution when the cost in lives and materiel led to divisions among the British about whether to continue the war. Similarly, America left Vietnam as the result of rising political costs at home. America was never defeated on the battlefield in Vietnam; in fact, the North Vietnamese strategist, General Giap, told me he never expected to defeat the Americans in battle. The guerrilla does not have to win decisively to drive out the foreign occupiers of his land. He simply has to raise the price of colonialism.

A central element of this strategy is to deny the colonial forces the revenues that finance their occupation. Today the Soviets and Cubans exploit Angola with a rapacity unrivalled by the Portuguese. Soviet fishing fleets have swept our coastlines, and fish has disappeared from the Angolan diet. Our diamonds, minerals, and oil from the Cabinda province are taken in "payment" for arms and for support of the Cuban troops. The M.P.L.A. government pays Castro $1,000 per month for each Cuban soldier in Angola, for a total of $480 million per year. These mercenaries can afford to stay in our nation only as long as they are paid. So UNITA attacks the diamond mines, sabotages the bridges, and destroys the industries that support the Cuban occupation. This policy does not harm our brothers in occupied Angola, for the wealth produced there does not go to them. It is taken by the Cubans and Soviets to pay for their repression here and to finance Cuban expeditions in other nations.

When enough Cuban officers are returned to Cuba in coffins, then Castro must face the wrath of his own people. Already we learn from Cuban prisoners of war that the war in Angola is unpopular in Cuba. The United States can help our cause by bringing the truth to the Cuban people on Radio Marti and Voice of America, and thus weakening Castro's already endangered rule.

Our military strategy is designed to inflict casualties on Castro's troops and not, when possible, on the M.P.L.A. Some true Angolan nationalists have been forced by the Cubans to fight with the M.P.L.A. Not all German officers in World War II were crazed Nazis; so too in the M.P.L.A. there are Rommels and Von Stauffenbergs, nationalists who oppose the Cuban occupation. These kidnapped warriors are our brothers, and our goal is to treat them well when we capture them. Many M.P.L.A. prisoners now fight with UNITA. Every UNITA victory strengthens the hand of the nationalists with the M.P.L.A., and hastens the day when they will join with us in driving out the Cubans and Soviets.

Communist Strengths

UNITA's guerrilla war against the Portuguese colonialists was much easier than our struggle against the Soviets and Cubans.The Portuguese were perhaps better infantrymen than the Cubans, but by comparison with Angola's new colonialists, they suffered in both the quality and quantity of arms. The Portuguese used little armor and had no more than five helicopters, whereas the Cubans and Soviets will send 15 helicopters to a single battle. The Soviet Union may not be able to feed its people or build advanced computers, but it knows how to build weapons (in fact, UNITA fighters rely on the AK-47 Kalashnikov, a low-cost automatic rifle that withstands dust and water better than anything the United States offers at comparable prices). The Soviets also deliver arms in large quantities; in Angola during the last 18 months, they have unloaded $2 billion worth of MIG 23 and MIG 21 jets, MI-24 helicopter gunships (the weapon used so effectively against the Afghan people), and T-62 and T-55 tanks, as well as trucks and armored personnel carriers.

Relative to the Soviets and Cubans, the Portuguese were as weak politically as they were militarily. They put almost no emphasis on the political side of waging war, and they had no international support. By contrast, the M.P.L.A. was winning endorsements and awards from Soviet-front groups long before it was a factor in the war against Portu-

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"Unity is a vital point in the success of any guerrilla movement."

gal. Communist guerrillas and occupation forces benefit from an established worldwide propaganda network. And when the Cubans and Soviets seized power in Angola, sympathetic propaganda outlets immediately sprang into action in the Organization for African Unity, the United Nations, and front organizations around the world.

A third strength of the Communists in combatting nationalist resistance movements is their ability to black out news coverage with surprisingly little complaint from the West. Little television footage gets out of Cambodia or Afghanistan. And although UNITA works hard to bring Western journalists to Free Angola, the Cubans do not permit newspaper or television coverage of their atrocities in areas they control.

Democratic v. Marxist Guerrillas

In countering these important advantages of Soviet and Cuban colonialists, the anti-Communist freedom fighter has some distinctive advantages of his own. The first is the religious faith and institutions of his country's people.

Marxism-Leninism is atheistic and materialistic. By definition it attempts to crush religious belief, and Communist governments demand a monopoly on the people's loyalty. But in deeply religious countries such as Afghanistan and Nicaragua and Angola, the suppression of religion has backfired and intensified the opposition to colonial regimes. The Constitution of the M.P.L.A. forbids membership to anyone holding "any religious belief"; this is one reason why it is such a small political party, consisting of only 0.3 percent of the Angolan people. The majority of Angolans are animists, 27 percent are Catholics, and 12 percent are Protestants; all have suffered from persecution. Church property has been expropriated by the Cubans, atheism is constantly preached in hospitals, schools, and political meetings. The Cubans and Soviets taunt animists by flying to the sky with their helicopters and jets, and then telling the local population that they looked and found no God in the heavens. All this has resulted in strong opposition to the regime of occupied Angola. In August 1985, the Catholic Church of Angola endorsed UNITA's call for an end to the war and for a negotiated settlement.

The second weakness of the Communists is economic. The Soviets may provide enormous quantities of arms but they refuse economic aid. And while it is UNITA's goal to damage the export economy that finances the Cuban war against our people, the Soviets and Cubans are doing much of our work for us by nationalizing all industry and collectivizing agriculture. Around the world, Communist governments lower the standard of living, destroy chances to work, and impoverish the people in a way that guerrilla wars never do.

Once a food exporter, Angola now must import some 90 percent of its food. Diamond and gold mines that once made Angola a wealthy Portuguese colony are now actu-

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ally losing money. Only the Communists could turn gold mining into a losing proposition. The economy is sustained, and the Cuban occupation is financed, only by the offshore oil produced by Gulf Oil, owned by Chevron, an American multinational corporation. Lenin said the capitalists would sell the rope with which to hang themselves. Today they are hanging the Angolan people. But tomorrow they come for you.

On the Battlefront

Between 1976 and the summer of 1985, UNITA was able to maintain its base securely, in spite of 10 major offensives launched against its territory by Cuban and M.P.L.A. troops. Usually we stopped these offensives within little more than a month—by going behind the lines and cutting off supplies of food, fuel, and ammunition to the advancing enemy.

The offensive of 1985, lasting from June until October, saw a change in tactics, weapons, and intensity. Prior to the offensive, the Soviet Union greatly increased both the quantity and the sophistication of weapons it was sending to Angola. And this time, the offensive was directly coordinated by Soviet officers, 15 to a brigade.

The first prong of the offensive was aimed at Cazombo, a town near the Angola-Zambia border. It appeared at first that the goal was political: to cut off UNITA's border with Zaire and Zambia, to increase the pressure on these two nations and prevent them from aiding UNITA. UNITA moved men and resources up to meet this advance and to defend Cazombo as we had successfully defended it before.

But the Soviet-Cuban strategy was a radical departure from past offensives. The Soviet, Cuban, and M.P.L.A. troops brought a much larger number of trucks and armored cars with them, and so they were able to carry much larger supplies of food, fuel, and ammunition. They were able to move faster and farther without leaving vulnerable supply lines in their wake.

For the first time, UNITA was forced to fight a conventional war, denied the ability to follow the guerrilla strategy of intercepting and cutting off supply lines. The occupation forces surrounded their "soft trucks" with armored trucks, so that we could not destroy their supplies, and then moved forward with armor in flanking moves attempting to surround our defensive positions.

Under Soviet commanders, MIG 21s and 23s and MI-24 helicopter gunships would arrive within 15 minutes of each engagement to provide air cover. Artillery shelling was also better coordinated and more accurate. It was a completely different war than we had fought in the offensives of 1982 through 1984. The Soviet troops always remained in armored cars and tanks, and their commanders stood behind three lines of M.P.L.A. and Cuban troops.

Throughout the offensive, the Soviets proved experts at using speed, maneuverability, and deception. On August 15, while the greater part of our commanders, resources, and troops were in Cazombo, 750 kilometers from Jamba, the Soviets unleashed what turned out to be the real thrust of their offensive—an assault on Mavinga, a town captured by UNITA in 1982 and located only 200 kilometers northwest of our capital. This was to be the final offensive of the war, with Jamba as its goal. For should the airport at Mavinga have been captured, the Soviets would have had a strong base from which to attack our capital.

The Soviets drove toward Mavinga with four M.P.L.A. brigades, each 1,300 men strong and fully equipped with armored personnel carriers, tanks, artillery, and air cover. Defending Mavinga, UNITA had only one regular battalion of 1,100 men and two semi-regular battalions of 600 men each. Fighting to slow the Soviet offensive, we had to call our troops back from Cazombo, and we threw up deep defensive lines and dug in in front of the Soviet advance.

Forced to bring in units from throughout southern Angola, we surrounded that Soviet-Cuban-M.P.L.A. offensive. We outnumbered their four battalions by four to one, and with mortar and infantry fire we destroyed many of their trucks, tanks, and armored cars. We halted the advance 17 kilometers northwest of Mavinga.

From Mao I learned how to fight and win a guerrilla war. I also learned how not to run a country.

By October 3, the Soviet officers were airlifted out by helicopter. If we had had enough anti-aircraft missiles, we could have destroyed the entire Soviet high command. But they escaped by air, and the M.P.L.A. retreated, after leaving behind many tanks, Stalin Organ rocket launchers, and armored personnel carriers.

The offensive of 1985 was to have been the Soviets' final drive against UNITA. They will not give up after their defeat. It is now the rainy season in Angola, but the Soviets will come again next March or April when the ground hardens and the skies clear for their MIGs and helicopters. The next offensive, like this one, will rely on heavy armor, tanks, concentrated artillery, and airpower. We look to the West for the anti-tank and anti-aircraft weapons that will allow us to stop the next attack, to continue to build our base among the people of Angola and move northward, to drive the Cubans and Soviets from Angola, and to win the true independence that was stolen from us 11 years ago.

Support from Abroad

The Soviets and Cubans and their friends around the world can be expected to continue their political and propaganda war against UNITA. Our success in defeating the offensive of 1985 will force them to redirect some of their propaganda. No longer can they claim that UNITA is weak, that we do not represent the popular will of the Angolan people. Too many journalists have travelled with our guerrillas and can testify to our support in the countryside. We have engaged the Cubans in virtually every province, and our support comes from every region and tribe in Angola.

A new tactic is to claim that UNITA is tied to the South African government. The Cuban troops, say the Commu-

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nist propagandists, are in Angola to protect Angola from the South Africans. This claim may fool some in the West, but the nations of black Africa know the truth. They know that Nigeria offered to replace the Cuban and Soviet bloc troops with Nigerian troops. But the M.P.L.A. leadership refused, showing the whole world that their real fear is not the South Africans but UNITA, the Angolan people, and the nationalists within the M.P.L.A..

Yes, UNITA receives aid from the Republic of South Africa. We have also received support from China, Arab nations, and other black African countries, and much of that support has been shipped across the Namibian border. But it is hypocritical of the Soviets to claim that this means we somehow endorse the Pretoria government. We oppose apartheid. Fortunately, it is a dead ideology. It cannot be exported. Even everyone in South Africa talks about how to move away from the apartheid system.

The Lord did not ask our permission when he put Angola on the southwest coast of Africa. We need outside help, even if it has to come across the Namibian border. I would remind the Communists that Stalin's acceptance of war material from America and Britain during World War II did not constitute an endorsement of liberal democracy on Stalin's part. Nor did my acceptance of Chinese military training and aid—when no other nation would help me—make me a Maoist in economics or politics.

The Munich of Africa

Angola was the first nation to begin its guerrilla war against Soviet colonialism. But we are not alone. Today the brave peoples of Afghanistan, Cambodia, Laos, Nicaragua, and Ethiopia are fighting their own wars of national liberation. We fought and carried on while the West went through a crisis of faith, wondering if its traditions, values, and civilization were worth fighting and dying for. I think that the Third World, through these struggles, has helped to give the West the courage to oppose the Soviet Union—to provide a cure for what Solzhenitsyn calls the Western disease. Our struggle in Angola, the battle of other freedom fighters, is the battle for the West and its values.

We who fight these wars of national liberation see the unity of our cause and the common enemy we face—Soviet imperialism. As a result, representatives of the freedom fighters of Angola, Laos, Afghanistan, and Nicaragua met in Jamba on June 12, 1985 to sign the Jamba Accord and announce the formation of the Democratic International. We who fight the battle for Western values of democracy, freedom of religion, freedom of speech, the right to own one's home and some land, have joined together. Now we ask the West to join us.

We in UNITA call upon the West, and the United States as the leader of the free world, to give us military and political support. The moral case is clear. UNITA is fighting for a free, independent, and democratic Angola. We are fighting the Cubans and Soviets who would deny us our nation.

The strategic case, the self-interest of the West and America, is equally compelling. Should massive Soviet air and armor attacks succeed in defeating UNITA when the dry season begins in March 1986, then 45,000 Cuban troops and advisers, thousands of Eastern-bloc "technicians," and an untold quantity of tanks, fighter planes, helicopters, and artillery will stand uncontested along the borders of Zaire, Zambia, Namibia, and Botswana. Not UNITA alone, but all of central and southern Africa awaits the decision by the United States.

We were all encouraged by the decision of the United States Congress to repeal the Clark Amendment, which forbade U.S. assistance to the forces of freedom in Angola and left us for 10 years alone against the Cubans. Now the United States must take the next step and commit the military aid that will allow us to defeat the Cubans and Soviets in Angola—anti-aircraft weapons, the Red-eye missile and Stinger missile, and anti-tank weapons. With those arms we can protect our people from air and armor attacks and drive back the Cubans and Soviets through the continuation of the guerrilla war that we have waged for 11 years.

We ask also for your political and diplomatic support. We need you to insist at the United Nations and other international forums that the Cubans and Soviets leave Angola and that the promised elections be held. With your military and political support, other nations will follow your lead and give us aid. Do not underestimate the importance of your decision. For Angola is the Munich of Africa. Hesitation, the refusal to aid UNITA in its fight against the Cubans and Soviets, will be taken as a signal by all the countries in the region that the United States has abandoned them to the Soviets as the West abandoned Czechoslovakia and Eastern Europe to Hitler in 1938. Do not suppose that Zaire, Zambia, Botswana, and Namibia will remain of the West when faced with an unopposed base in Angola. They will be forced to make their political accommodations with the Soviets just as most of Eastern Europe fell under Nazi political domination without a shot being fired. The loss of the sea route around the Cape and the loss of the strategic minerals found in central and southern Africa would be a crippling blow to the economy and defense of the West. That is why I say that UNITA is the key to Angola, Angola is the key to Africa, and Africa is the key to the West.

I am not alone in this assessment. The Soviets agree. ☎

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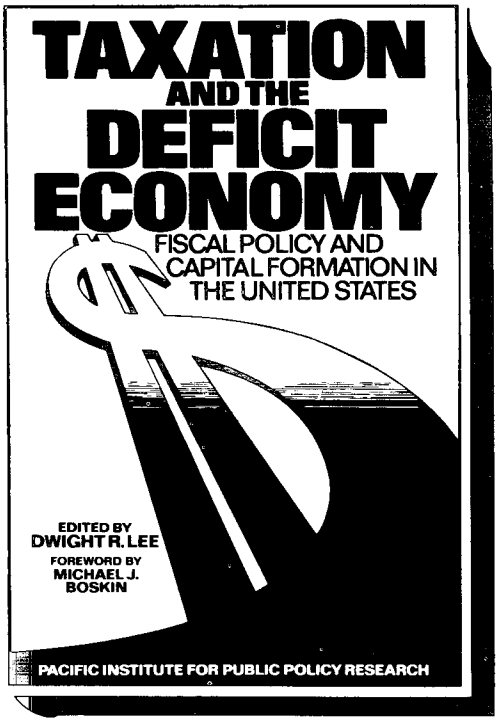

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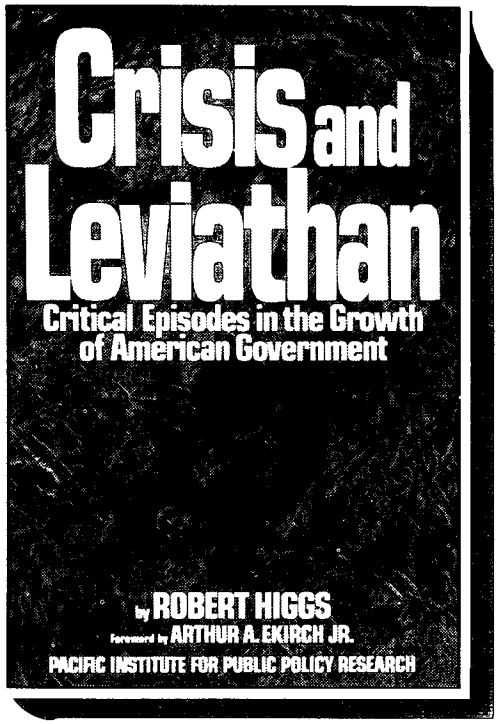

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KEEPING FAITH

A Baptist Deacon Reflects on American Policy Toward Israel

SENATOR JESSE HELMS

It is always risky to mind somebody else's business. But that has not prevented the United States from telling Israel what to do. Perhaps it is because of our big stake in Israel, and longstanding ties of history, culture, and affections, that everyone in Washington has an opinion on how Israel ought to act.

Right now, the advice seems to be to negotiate. We are told that Jordan and the P.L.O. are committed to "the peace process." Peace, if not war, is right around the corner, so now is the time for negotiations.

This advice is coming from professional negotiators in the State Department who feel at loose ends if they do not have a negotiation or two in full swing. Sometimes, like gamblers, they seem more interested in the excitement of the action than in the outcome. And the outcome by no means is a sure thing.

But the rule seems to be: when in doubt, negotiate. Therefore, negotiations are urged without regard to the history of negotiations. That history is not reassuring. Unless one side in a negotiation has been utterly defeated, negotiations typically are dangerously destabilizing. In the past, we have found that there is more actual bloodshed during the negotiating period (as in Korea and Vietnam); or the other side uses the period to alter the geostrategic balance in its favor (as in SALT I and SALT II). Even the best that Camp David could bring about was a stalemate, rather than peace.

Negotiations usually are successful only if the dispute really isn't that important after all. When fundamental issues are at stake, such as the survivability of basic sovereignty and political independence, no piece of paper guarantees the peace. No semantic trick or artful diplomatic ambiguity is enough to prevent tragedy in the long run. Distasteful as it may seem in the hushed diplomatic salons where the negotiations take place, the final outcome will hold fast only if there is a practical equilibrium in the natural conditions of geography and military force.

Apparently such cautionary thoughts have not passed through the minds of our diplomats. Ever since the accord signed last February by King Hussein of Jordan and Yasser Arafat of the P.L.O., U.S. officials have been shuttling back and forth between Damascus, Amman, Cairo, and Jerusalem. President Hosni Mubarak of Egypt has been to Washington to see President Reagan, followed a few weeks later by King Hussein. The King was promised U.S. approval for arms sales to beef up his military, purportedly because of the threat to Jordan from Syria, and also to reward him for being ready to take "steps towards peace."

Everything is apparently in gear, therefore, for the peace process to take over. Even the TWA 847 hijacking was not allowed to interfere; the result was, incredibly, that President Hafiz al-Assad of Syria was publicly praised for his supposed role in ending the crisis (although nothing was said about the roles of the clients of Syria and Iran in orchestrating the crisis).

Moreover, despite the fact that almost every member of the U.S. Senate thought it was unwise to propose the Jordanian arms deal before King Hussein was sitting at a table negotiating with Israel, the arms sale notification was marched up to the Senate anyway. Just as quickly, it marched back down again. As soon as it was clear that Jordan was not going to get the arms without real concessions, Jordan and Syria decided that they could get along together after all—and so the major justification announced for the sale faded.

What are these proposed negotiations all about? Perhaps there is an excuse here for a few personal recollections to put the subject in perspective. For me, Israel first came into focus on the day after I announced my intention in 1972 to run for the U.S. Senate from North Carolina, for that is the day that my wife, Dorothy, left me—not for good, of course. She was on her way to Israel on a long-planned trip to the Holy Land with her church group. In Jerusalem, Dorothy visited the Western Wall of the Temple Mount, and like so many pilgrims before her, she scrawled a prayer on a slip of paper and inserted it into the cracks of the venerable stones. I have never forgiven her for what she prayed for: that I would win.

That thought especially came home to me this past August, when I had a chance to make a private visit to Israel. It is not my custom to travel at the expense of the taxpayers.

JESSE HELMS *is the Republican senior senator from North Carolina.*

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Chic Hecht, Marty Hecht, and Jesse Helms at the dedication of the Hecht Synagogue in Jerusalem.

Even when I hitch a ride on Air Force One, I make sure that the U.S. Treasury gets my personal check for the fare. Besides, if you have to go on official travel, you usually have to listen to a lot of boring speeches, and make one or two boring speeches yourself.

But one day my good friend Chic Hecht, the distinguished junior senator from Nevada, said, "Jesse, I want you to come with me to Israel. My brother Marty and I are responsible for building a new synagogue at the Hebrew University on Mount Scopus overlooking Jerusalem. We've called it the Hecht Synagogue in honor of our father, who has just turned 96 years old. I want you to be at the dedication."

I replied that I would be honored to go anywhere with Chic Hecht, but I would be especially honored to attend the dedication of the Hecht Synagogue. I may have been the first Baptist deacon ever to attend the dedication of a synagogue. For me, it was a deeply moving experience.

However, one of my Baptist friends didn't quite understand. He said, "Why would you, a Baptist deacon, attend the dedication of a synagogue?" I said, "Well, the Jewish people worship the God of Abraham, Isaac, and Jacob; and the last time I checked in the Bible that's the same God I worship."

Indeed, since we were on a private visit, we decided to do it our way. We decided to follow in the footsteps of the patriarchs. We started in Hebron, stopping at the Field of Mamre, where Abraham first pitched his tent, and where he told Sarah to fix a meal for the three heavenly visitors who would tell them about the forthcoming birth of Isaac. We went to the Tomb of the Patriarchs, the venerable structure built by Herod over the remains of Abraham, Isaac, Jacob, and Sarah—a holy site closed to Jews for 1,500 years, and closed to Christians since the time of the Crusaders, but now open to all faiths.

Then we followed the road northwards, a road that has run along the mountain watershed for three or four thousand years. On this road from Hebron are all the other holy cities: Bethlehem, the city of David and of Jesus; Jerusalem; Mizpah, the place of the assemblies; Bethel, where Jacob had his dream; Shiloh, the early center of worship. We had hoped to get as far as the city called Shechem in the English Bible, but now called Nablus. Here we wanted to visit Joseph's tomb, where his bones have been resting since they were brought from Egypt at his request. But the realities of modern-day terrorism had struck in Nablus only two days before, and it seemed best to avoid the risk.

How many Bethlehems are there in the United States? How many Bethels? How many Shilohs? One has only to ask the question to demonstrate how closely intertwined is the religion, culture, and history of our own nation and Israel. I wish that every senator could see Israel in the way that Chic Hecht, Marty Hecht, and I saw Israel. I think they would understand much more clearly why Jews want to be a part of the territories. There is no Jew, whether he be religious or secular, who can escape his history. And it is here in Judea and Samaria, where that history took place, where 80 percent of the place name references in the Bible are found.

But as we stood there on the mound of ancient Shiloh, with shards of pottery 3,000 years old under our feet, I asked one of the settlers how many senators had been to Shiloh. "I was in one of the first groups to come here," he said, "and you and Senator Hecht are the first senators we have had here in Shiloh."

In so many ways, this is what the negotiations are all about. This area called the West Bank is the heart of ancient Israel, the very land that the Bible is all about.

Not long ago, I was leafing through a historical atlas showing maps of ancient times—Israel under the Egyptians, Israel under the Assyrians, Israel under the Babylonians, and so forth. Then suddenly I saw a map of the West Bank. When I looked closer, I saw that it wasn't the West

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Bank at all, in modern terms. It was entitled "Early Israelite Settlements, 14th Century B.C."

It is ironic that modern Israel is crammed along the seashore, where, in biblical times, the Philistines and Canaanites lived; while biblical Israel, the homeland of the Jews, is the very territory which the U.S. State Department wants the Jews to leave.

Nor is it just history or religion that is involved, but also security. Although, in many ways, the rationale for a Jewish homeland is rooted fundamentally in the very areas which are to be negotiated away, these areas are crucial to modern defense of Israel's territorial integrity. If Jordan and Israel are to negotiate, what will they negotiate about?

A negotiation is very much like an auction. When bidding fever strikes, it is very easy to end up with a moth-eaten, stuffed moosehead or even a nice rug that costs only twice what it is selling for in the store around the corner. The wise advice given to neophyte bidders is to establish a price that is the maximum to be paid, no matter how high the bidding goes.

And so it is with a negotiation. Before starting, one must ask, "At what point will I drop out? When is the price of success too high?" There has been a lot of talk about whether or not there should be pre-conditions for negotiations. There has been little talk about the post-conditions.

In other words, what will the situation look like if Jordanian-Israeli negotiations are successful? Will the result be an Israel that that is no longer viable as a nation? That can't be defended against conventional attack? That is culturally and politically so different that it is no longer a Jewish homeland? That is economically and militarily dependent upon other countries?

Unless the idea of negotiations is simply to make concessions in the hope of gaining goodwill, these post-conditions are really the questions that count. It is not enough to say that Israel would never agree willingly to conditions that would result in its annihilation. The key word is "willingly." The United States might pressure Israel into agreements that otherwise would not have been accepted.

The first problem to consider is the dynamic of negotiations, which often carries along the participants like logs floating down a mountain stream. Who knows what the negotiators will end up with?

The second problem is the double standard imposed by the U.S. State Department, which is reluctant to apply pressure against the Soviets or antagonistic Third World countries, but is eager to use every bit of leverage we have against our friends. There is a kind of inverse imperialism in the State Department approach. The Communist and socialist countries, which have always complained about U.S. imperialism, we treat with solicitousness and deference; but countries that want to emulate our political and free market tradition invariably get the battleship-and-big-stick treatment.

As a result of previous negotiations, the stick is pretty big. After the Camp David agreement, the U.S. taxpayer was called upon to foot the bill for both sides. Israel had to be compensated for the surrender of the Sinai, including both major air bases, as well as developed oil fields important to Israel's GNP and energy reserves. Then Egypt had to be compensated so that we would look evenhanded. Since the agreement was signed, the amount of money transferred on an annual basis today has just about tripled for Egypt, and doubled for Israel, as the following table supplied to me by the Agency for International Development shows:

TOTAL U.S. ASSISTANCE TO EGYPT AND ISRAEL, 1978-1985
(in millions of dollars)

	EGYPT	ISRAEL
1978	943.2	1,791.8
	[March 1979: Camp David Accord]	
1979	2,588.5	4,790.1
1980	1,167.3	1,786.0
1981	1,681.2	2,164.0
1982	1,967.3	2,206.0
1983	2,332.0	2,485.0
1984	2,487.0	2,610.0
1985	2,478.9	3,350.0

I opposed the dollars-for-diplomacy approach to Camp David, just as I have always opposed the use of the U.S. taxpayers' money to give "foreign aid" to every other country. The alleged benefits of such aid usually exist only in the minds of our foreign policy makers. The works of distinguished economists such as P.T. Bauer and Melvyn Krauss have demonstrated that artificial infusions of cash postpone hard economic decisons, retard development, corrupt leadership elites, and set up a framework for inefficient, state-directed economies.

But even the usual slogans about economic development are hardly put forward when it comes to Israel and Egypt. Instead, the contributions to these two countries are a barely disguised attempt to buy peace—to repay Israel for the massive costs of meeting the Camp David agreement, and to give Egypt a basis for standing up to the rest of the Arab world. It is a hothouse agreement, so divorced from reality that only U.S. funds can provide artificial life-support.

These numbers overshadow the rest of our foreign aid budget. But they also overshadow the sovereignty and independence of the countries involved. The high levels of support create active budget constituencies in the governmental structure of the recipient countries, and the overhanging inducement of future contributions tends to restrict policy options. No matter how desperately the money is needed, the recipient's freedom of action is compromised.

That, of course, is just the way that the State Department wants it. They seem to want servile allies eating out of our hand, rather than allies that make positive contributions to cooperation on major policies.

Nor, despite the cost to the U.S. taxpayers, can it be said that the Camp David deal was a bargain for Israel. When Israel gave up the Sinai for the sake of peace, she gave up oil fields, air bases, towns, and villages, which had to be replaced by imported energy and new construction. Including the lost oil revenues, these costs to the Israeli economy have been about $20 billion—just about the same amount that the United States has given to Israel in the same period. Yet the critics of Israel would like to use

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aid as a lever to force her to act against her national interest.

Despite the fact that the United States spends about $130 billion per year and stations 330,000 American military personnel in Europe; despite the fact that the United States spends $38 billion in East Asia, stations 45,000 men in Korea and 45,000 in Japan—all of it hidden in our defense budget—the funds for Israel are budgeted as a foreign aid giveaway. We should face up to the fact that aid to Israel is essentially a defense cost, like our support of NATO and Pacific allies, and put it openly in the defense budget.

When you consider that Israel is on the front line for the defense of the West, and is facing the Soviet Union directly in the guise of Syria, and is our first defense against anti-American governments in Iraq, Iran, Ethiopia, Yemen, and Afghanistan, then it becomes apparent that Israel is really our only reliable ally in the Middle East. Only Israel can oppose Soviet hegemony over the entire area.

Egypt, on the other hand, remains an ally, but a very passive one. It has received a lot, and been called upon to do very little. As a result of Camp David, it got the return of the Sinai—lost through its aggressive designs on Israel—as well as nearly $15 billion in U.S. aid. In return, Egypt has not yet made war on Israel again, and has privately given unwritten indications that the United States would have access to Egyptian air bases in an emergency. The rest of the treaty is virtually a dead letter.

Senator Jesse Helms visits Ariel Sharon at his home.

The fruit of the Camp David negotiations is the problem that overhangs the proposed Jordanian negotiations. No one has yet placed a price tag on the diplomats' dreams. But let no one imagine that the price will be cheap, or that peace is for sale. In 1982, a set of "talking points" was sent to Prime Minister Menachem Begin which lay down the State Department line. The diplomats were careful to call this the "Reagan Plan," although it was really just the Carter Plan with cosmetic touches. It is still the plan today. Basically, it calls for the return of the heart of Israel to Arab control.

The bias of these talking points is shown in the constant reference to the heartland as the "West Bank." Although no one any longer refers to the East Bank as the East Bank, the stubborn use of "West Bank" continues to influence the debate even before the facts are stated.

These are the mountain lands known from the biblical period as Judea and Samaria, with Jerusalem at the center. After the biblical period, they were still known as Judea and Samaria.

Under the British Mandate (1920-48), Judea and Samaria were part of the Jewish National Home, which the League of Nations instructed Britain to promote by encouraging Jewish settlement in Western Palestine. The bulk of Palestine east of the Jordan River was arbitrarily removed from the Jewish National Home by Great Britain in 1922. When Great Britain reneged on its promises to promote the Jewish National Home, an armed revolt against British occupation by the Jewish underground forced Britain to turn the problem over to the United Nations in 1947.

The United Nations decided to divide Western Palestine once more, into a Jewish and an Arab state. The Jewish leaders accepted this division, but the Arabs did not. When Israel was proclaimed in 1948, within the partition boundaries proposed by the United Nations, Jordan, along with other Arab states, illegally invaded Western Palestine and seized Judea and Samaria in an attempt to conquer the entire territory (including the Israeli portion).

The Israelis defended their own areas with courage, but at great cost. More than once, they found the Arab forces were commanded by British officers who somehow had been released from the British services for the purpose. When the cease-fire was arranged in 1948, the so-called Green Line marked the division of territory until 1967.

No nation gave diplomatic recognition to the Jordanian occupation—except Great Britain and, for some reason, Pakistan. Jordan had invaded illegally and in defiance of all agreements concerning the area. Jordan's intent was not only to seize the territory of the Mandate allotted to the Arab state, but also the territory allotted to the Jewish state. Under any construction of international law, its invasion was illegal, its overall intention was illegal, and its occupation was illegal.

What was left to Israel was Galilee to the north, in the middle a narrow waistline only nine or 10 miles wide along the coast (where 75 percent of the Israeli population was gathered), and the Negev desert to the south. Most of the Jewish holy places were on the Arab side, with the Green Line running even through Jerusalem itself.

In 1967, the Arab nations decided to finish the job they had started in 1948. On May 14, Egypt's President Nasser began moving his troops and tanks into the Sinai. Three

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days later, the Syrians also announced that their troops were ready on the Golan Heights. At the same time, Nasser asked the United Nations to withdraw the U.N. force in the Sinai. Secretary General U Thant quickly complied. On May 18, the Egyptian commander in the Sinai broadcast a statement on Cairo radio announcing that everything was prepared for *jihad*, or holy war. Four days later, Nasser took the first official act of that war, the blockade of the Straits of Tiran. The Straits are the only entrance to Israel's southern port of Eilat. On May 30, King Hussein and Nasser signed a mutual defense pact between Jordan and Egypt.

They had every reason to expect that it would only take a few hours. After all, the Arabs had the Israelis outgunned and out-manned. They held the mountains overlooking the Israelis; they controlled the passes in those mountains, blocking tank and troop movements. The country could easily be cut in half at the nine-mile-wide waistline. The topography and the boundaries alone were enough to convince them that the work would be short.

When the dust settled 10 days later, the Israelis were occupying the Golan Heights, Samaria, Judea, the Gaza Strip, and the Sinai. Jerusalem was, at last, a city open to persons of all faiths. It should be noted that in occupying Judea and Samaria, the Israeli forces were not occupying the sovereign territory of another nation. The Jordanian seizure of the territory in 1948 had never been recognized by the international community. The Israeli claim to the territory was based upon international promises under the Mandate.

Although 750,000 Arabs live in that region, they had never received any promise that they would have the right to establish a Palestinian state. Jordan was equally Palestine under the British Mandate, and the majority of the citizens of Jordan were Palestinians. Almost all of the Palestinians living in Judea and Samaria today carry Jordanian passports.

Nevertheless, the official U.S. position, as explained in the talking points sent to Prime Minister Begin in 1982, is the following:

> Our position is that the objective of the transitional period is the peaceful and orderly transfer of authority from Israel to the Palestinian inhabitants.

Accordingly, the United States has demanded that the following be the outcome of negotiations:

1) Full autonomy for the Arab inhabitants.

2) Economic, commercial, and cultural ties between the West Bank, Gaza, and Jordan.

3) Participation by the Palestinian inhabitants of East Jerusalem in the election of the West Bank-Gaza authority.

4) Progressive Palestinian responsibility for internal security based on capability and performance.

5) A freeze on new Jewish settlements.

In the same memo, the United States laid down the doctrine of the exchange of territories for peace. The U.S. position was that the Israelis must withdraw, in return for a peace and security guarantee, the exact nature of which was to be negotiated. The status of the West Bank was to be "association with Jordan."

Under such circumstances, the key points in dispute would be conceded even before the negotiations began. The only questions for the negotiations to settle would be related to the timing of the withdrawal, the nature of security guarantees, and the relationship with neighboring Arab countries. Having won the war in 1967, and in 1973, Israel must concede the fruits of victory to the aggressors.

There is no piece of paper sufficiently strong to uphold regional arrangements that do not meet the dictates of common sense. The animosity of the neighboring Arab countries do not spring from concern over the present inhabitants of the so-called West Bank, or the fact that Israel exercises administrative and military control over that territory. The animosity springs from the fact that Israel proper exists. Concessions on the West Bank territory would only whet the appetite of animosity, not appease it.

As recently as November 3, 1985, speaking on "Meet the Press" by satellite from Amman, King Hussein stated:

> The lack of progress towards peace, as we have seen it over the years, has been the result of two factors. One, Israel's military strength, and its continued occupation of the whole of Palestine, plus territories belonging to other Arab states. The second element: the feeling of injustice by the people of Palestine.

After all the "progress towards peace," and the presumed commitment to the "peace process," King Hussein still cites as the major issue "Israel's continued occupation of the whole of Palestine"—that is to say, the Israel of 1948, as well as the West Bank. The only Israel that King Hussein will accept is one that is unable to defend itself.

Thus the strategy of separating Israel from Judea and Samaria is only the first step. By imposing indefensible boundaries on Israel, Israel is as much as disarmed—or at least the King must think that Israel would be fatally weakened.

Why the U.S. State Department would want to impose such a fatal condition on Israel defies rational analysis. It is not for the United States—or even a U.S. senator—to describe acceptable compromises. Certainly, the just rights of the Arab inhabitants to their homes, their properties, their culture, and their religion must be upheld. No one can imagine that the Arab Palestinians would meet the fate that Jews met in Syria, Jordan, Iraq, Egypt, or Morocco. It would not be difficult to design a just settlement that does not include sovereignty or "association with Jordan." And if mere justice is not enough for some disaffected individuals, political rights can easily be exercised to a fuller degree in East Palestine, i.e. Jordan.

The first way, of course, is to have a realistic understanding of what negotiations can or cannot accomplish. Otherwise, we will surely confront a dangerous exercise in futility. The point is this: we must not lay down pre-conditions that virtually guarantee an Israel whose defense depends entirely on the fragile goodwill of its Arab neighbors, and on massive amounts of U.S. cash to keep that fragile Arab goodwill alive. Such an Israel would not be an Israel worthy of the name. The post-conditions, not the pre-conditions, should define the shape of the peace. ☎

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THE BATTLE FOR THE CONSTITUTION

The Attorney General Replies to His Critics

EDWIN MEESE III

A large part of American history has been the history of constitutional debate. From the Federalists and the Anti-Federalists, to Webster and Calhoun, to Lincoln and Douglas, we find many examples. Now, as we approach the bicentennial of the framing of the Constitution, we are witnessing another debate concerning our fundamental law. It is not simply a ceremonial debate, but one that promises to have a profound effect on the future of our Republic.

The current debate is a sign of a healthy nation. Unlike people of many other countries, we are free both to discover the defects of our laws and our governments through open discussion and to correct them through our political system.

This debate on the Constitution involves great and fundamental issues. It invites the participation of the best minds the bar, the academy, and the bench have to offer. In recent weeks, there have been important new contributions to this debate from some of the most distinguished scholars and jurists in the land. Representatives of the three branches of the federal government have entered the debate, journalistic commentators too.

A great deal has already been said, much of it of merit. But occasionally there has been confusion, and in some cases, even distortion. Caricatures and straw men, as one customarily finds even in the greatest debates, have made appearances. I've been surprised at some of the hysterical shrillness that we've seen in editorials and other commentary. Perhaps this response is explained by the fact that what we've said defies liberal dogma.

Still, whatever the differences, most participants are agreed about the same high objective: fidelity to our fundamental law.

It is easy to forget what a young country American really is. The bicentennial of our independence was just a few years ago; that of the Constitution is still two years off.

The period surrounding the creation of the Constitution is not a dark and mythical realm. The young America of the 1780s and 1790s was a vibrant place, alive with pamphlets, newspapers, and books chronicling and commenting upon the great issues of the day. We know how the Founding Fathers lived, and much of what they read, thought, and believed. The disputes and compromises of the Constitutional Convention are carefully recorded. The minutes of the Convention are a matter of public record. Several of the most important participants—including James Madison, the "father" of the Constitution—wrote comprehensive accounts of the convention. Others, Federalists and Anti-Federalists alike, committed their arguments for and against ratification, as well as their understandings of the Constitution, to paper, so that their ideas and conclusions could be widely circulated, read, and understood.

In short, the Constitution is not buried in the mists of time. We know a tremendous amount of the history of its genesis. The bicentennial is encouraging even more scholarship about its origins. We know who did what, when, and many times why. One can talk intelligently about a "founding generation."

With these thoughts in mind, I would like to discuss this administration's approach to constitutional interpretation, which has been led by President Reagan and which we at the Department of Justice and my colleagues in other agencies have advanced. But to begin, it may be useful to say what it is not.

Our approach does not view the Constitution as some kind of super-municipal code, designed to address merely the problems of a particular era—whether those of 1787, 1789, or 1868. There is no question that the Constitutional Convention grew out of a widespread dissatisfaction with the Articles of Confederation. But the delegates in Philadelphia moved beyond the job of patching that document to write a Constitution. Their intention was to write a document not just for their times but for posterity.

The language they employed clearly reflects this. For example, they addressed *commerce,* not simply shipping or barter. Later, the Bill of Rights spoke, through the Fourth Amendment, to "unreasonable searches and seizures," not merely the regulation of specific law enforcement practices of 1789. Still later, the framers of the 14th Amendment

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were concerned not simply about the rights of black citizens to personal security, but also about the equal protection of the law for all persons within the states.

The Constitution is not a legislative code bound to the time in which it was written. Neither, however, is it a mirror that simply reflects the thoughts and ideas of those who stand before it.

Our approach to constitutional interpretation begins with the document itself. The plain fact is, it exists. It is something that has been written down. Walter Berns of the American Enterprise Institute has noted that the central object of American constitutionalism was "the effort" of the founders "to express fundamental governmental arrangements in a legal document—to 'get it in writing.'"

Indeed, judicial review has been grounded in the fact that the Constitution is a written, as opposed to an unwritten, document. In *Marbury v. Madison,* John Marshall rested his rationale for judicial review on the fact that we have a written Constitution with meaning that is binding upon judges. "[I]t is apparent," he wrote, "that the framers of the Constitution contemplated that instrument as a rule for the government of *courts,* as well as of the legislature. Why otherwise does it direct the judges to take an oath to support it?"

A Government of Law

The presumption of a written document is that it conveys meaning. As Thomas Grey of the Stanford Law School has said, it makes "relatively definite and explicit what otherwise would be relatively indefinite and tacit."

We know that those who framed the Constitution chose their words carefully. They debated at great length the most minute points. The language they chose meant something. They proposed, they substituted, they edited, and they carefully revised. Their words were studied with equal care by state ratifying conventions.

This is not to suggest that there was unanimity among the framers and ratifiers on all points. The Constitution and the Bill of Rights, and some of the subsequent amendments, emerged after protracted debate. Nobody got everything they wanted. What's more, the framers were not clairvoyant—they could not foresee every issue that would be submitted for judicial review. Nor could they predict how all forseeable disputes would be resolved under the Constitution. But the point is that the meaning of the Constitution can be known.

What does this written Constitution mean? In places it is exactly specific. Where it says that Presidents of the United States must be at least 35 years of age, it means exactly that. Where it specifies how the House and Senate are to be organized, it means what it says.

The Constitution, including its 26 amendments, also expresses particular principles. One is the right to be free of an unreasonable search or seizure. Another concerns religious liberty. Another is the right to equal protection of the laws.

Those who framed these principles meant something by them. And the meaning can be found, understood, and applied.

The Constitution itself is also an expression of certain general principles. These principles reflect the deepest purpose of the Constitution—that of establishing a political system through which Americans can best govern themselves consistent with the goal of securing liberty.

The text and structure of the Constitution is instructive. It contains very little in the way of specific political solutions. It speaks volumes on how problems should be approached, and by whom. For example, the first three articles set out clearly the scope and limits of three distinct branches of national government. The powers of each are carefully and specifically enumerated. In this scheme, it is no accident to find the legislative branch described first, as the framers had fought and sacrificed to secure the right of democratic self-governance. Naturally, this faith in republicanism was not unbounded, as the next two articles make clear.

Yet the Constitution remains a document of powers and principles. And its undergirding premise remains that democratic self-government is subject only to the limits of certain constitutional principles. This respect for the political process was made explicit early on. When John Marshall upheld the act of Congress chartering a national bank in *McCulloch v. Maryland,* he wrote: "The Constitution [was] intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs." But to use *McCulloch,* as some have tried, as support for the idea that the Constitution is a protean, changeable thing is to stand history on its head.

Justice Marshall was keeping faith in the original intention that Congress be free to elaborate and apply constitutional powers and principles. He was not saying that the Court must invent some new constitutional value in order to keep pace with the times. In Walter Berns's words: "Marshall's meaning is not that the Constitution may be adapted to the 'various crises of human affairs,' but that the legislative powers granted by the Constitution are adaptable to meet these crises."

The approach this administration advocates is rooted in the text of the Constitution as illuminated by those who drafted, proposed, and ratified it. In his famous *Commentary on the Constitution of the United States,* Justice Joseph Story explained:

> The first and fundamental rule in the interpretation of all instruments is to construe them according to the sense of the terms, and the intention of the parties.

Our approach understands the significance of a written document and seeks to discern the particular and general principles it expresses. It recognizes that there may be debate at times over the application of these principles. But it does not mean these principles cannot be identified.

Constitutional adjudication is obviously not a mechanical process. It requires an appeal to reason and discretion. The text and intention of the Constitution must be understood to constitute the banks within which constitutional interpretation must flow. As James Madison said, if "the sense in which the Constitution was accepted and ratified by the nation . . . be not the guide to expounding it, there can be no security for a consistent and stable, more than for a faithful exercise of its powers."

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Thomas Jefferson, so often cited incorrectly as a framer of the Constitution, in fact shared Madison's view: "Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction." Jefferson was even more explicit in his personal correspondence:

> On every question of construction [we should] carry ourselves back to the time when the Constitution was adapted; recollect the spirit manifested in the debates; and instead of trying [to find] what meaning may be squeezed out of the text, or invented against it, conform to the probable one, in which it was passed.

In the main, a jurisprudence that seeks to be faithful to our Constitution—a jurisprudence of original intention, as I have called it—is not difficult to describe. Where the language of the Constitution is specific, it must be obeyed.

There is danger in seeing the Constitution as an empty vessel into which each generation may pour its passion and prejudice.

Where there is a demonstrable consensus among the framers and ratifiers as to a principle stated or implied by the Constitution, it should be followed. Where there is ambiguity as to the precise meaning or reach of constitutional provision, it should be interpreted and applied in a manner so as to at least not contradict the text of the Constitution itself.

Sadly, while almost everyone participating in the current constitutional debate would give assent to these propositions, the techniques and conclusions of some of the debaters do violence to them. What is the source of this violence? In large part, I believe that it is the misuse of history stemming from the neglect of the idea of a written constitution.

There is a frank proclamation by some judges and commentators that what matters most about the Constitution is not its words but its so-called "spirit." These individuals focus less on the language of specific provisions than on what they describe as the "vision" or "concepts of human dignity" they find embodied in the Constitution. This approach to jurisprudence has led to some remarkable and tragic conclusions.

In the 1850s, the Supreme Court under Chief Justice Roger B. Taney read blacks out of the Constitution in order to invalidate Congress' attempt to limit the spread of slavery. The *Dred Scott* decision, famously described as a judicial "self-infliction wound," helped bring on the Civil War. There is a lesson in such history. There is danger in seeing the Constitution as an empty vessel into which each generation may pour its passion and prejudice.

Our own time has its own fashions and passions. In recent decades, many have come to view the Constitution—more accurately, part of the Constitution, provisions of the Bill of Rights and the 14th Amendment—as a charter for judicial activism on behalf of various constituencies. Those who hold this view often have lacked demonstrable textual or historical support for their conclusions. Instead, they have "grounded" their rulings in appeals to social theories, to moral philosophies or personal notions of human dignity, or to "penumbras," somehow emanating ghostlike from various "provisions"—identified and not identified—in the Bill of Rights. The problem with this approach—as John Hart Ely, Dean of Stanford Law School, has observed with respect to one such decision—is not that it is bad constitutional law, but that it is not constitutional law in any meaningful sense.

Despite this fact, the perceived popularity of some results in particular cases has encouraged some observers to believe that any critique of the methodology of those decisions is an attack on the results. This perception is sufficiently widespread that it deserves an answer. My answer is to look at history.

When the Supreme Court, in *Brown v. Board of Education,* sounded the death knell for official segregation in the country, it earned all the plaudits it received. But the Supreme Court in that case was not giving new life to old words, or adapting a "living," "flexible" Constitution to new reality. It was restoring the original principle of the Constitution to constitutional law. The *Brown* Court was correcting the damage done 50 years earlier, when in *Plessy v. Ferguson,* an earlier Supreme Court had disregarded the clear intent of the framers of the Civil War amendments to eliminate the legal degradation of blacks, and had contrived a theory of the Constitution to support the charade of "separate but equal" discrimination. It is amazing how so much of what passes for social and political progress is really the undoing of old judicial mistakes.

Mistakes occur when the principles of specific Constitutional provisions—such as those contained in the Bill of Rights—are taken by some as invitations to read into the Constitution values that contradict the clear language of other provisions.

Acceptances to this illusory invitation have proliferated in recent decades. One Supreme Court justice identified the proper judicial standard as asking "what's best for this country." Another said it is important to "keep the Court out in front" of the general society. Various academic commentators have poured rhetorical gasoline on this judicial fire, suggesting that constitutional interpretation appropriately be guided by such standards as whether a public policy "personified justice" or "comports with the notion of moral evolution" or confers "an identity" upon our society or was consistent with "natural ethical law" or was consistent with some "right of equal citizenship." These amorphous concepts, as opposed to the written Constitution, form a very poor base for judicial interpretation.

Unfortunately, navigation by such lodestars has in the past given us questionable economics, governmental disorder, and racism—all in the guise of constitutional law. Recently, one of the distinguished judges of one of our

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federal appeals courts got it about right when he wrote: "the truth is that the judge who looks outside the Constitution always looks inside himself and nowhere else." Or, as we recently put it before the Supreme Court in an important brief: "The further afield interpretation travels from its point of departure in the text, the greater the danger that constitutional adjudication will be like a picnic to which the framers bring the words and the judges the meaning."

In the *Osborne v. Bank of United States* decision 21 years after *Marbury,* Justice Marshall further elaborated this view of the relationship between the judge and the law, be it statutory or constitutional:

> Judicial power, as contra-distinguished from the power of the laws, has no existence. Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law; and, when that is discerned, it is the duty of the Court to follow it.

Any true approach to constitutional interpretation must respect the document in all its parts and be faithful to the Constitution in its entirety.

What must be remembered in the current debate is that interpretation does not imply results. The framers were not trying to anticipate every answer. They were trying to create a tripartite national government, within a federal system, that would have the flexibility to adapt to face new exigencies—as it did, for example, in chartering a national bank. Their great interest was in the distribution of power and responsibility in order to secure the great goal of liberty for all.

A jurisprudence that seeks fidelity to the Constitution—a jurisprudence of original intention—is not a jurisprudence of political results. It is very much concerned with process, and it is a jurisprudence that in our day seeks to de-politicize the law. The great genius of the constitutional blueprint is found in its creation and respect for spheres of authority and the limits it placed on governmental power. In this scheme the framers did not see the courts as the exclusive custodians of the Constitution. Indeed, because the document posits so few conclusions, it leaves to the more political branches the matter of adapting and vivifying its principles in each generation. It also leaves to the people of the states, in the 10th Amendment, those responsibilities and rights not committed to federal care. The power to declare acts of Congress and laws of the states null and void is truly awesome. This power must be used when the Constitution clearly speaks. It should not be used when the Constitution does not.

In *Marbury v. Madison,* at the same time he vindicated the concept of judicial review, Justice Marshall wrote that the "principles" of the Constitution "are deemed fundamental and permanent," and except for formal amendment, "unchangeable." If we want a change in our Constitution or in our laws we must seek it through the formal mechanisms presented in that organizing document of our government.

At issue here is not an agenda of issues or a menu of results. At issue is a way of government. A jurisprudence based on first principles is neither conservative nor liberal, neither right nor left. It is a jurisprudence that cares about committing and limiting to each organ of government the proper ambit of its responsibilities. It is a jurisprudence faithful to our Constitution.

It is amazing how so much of what passes for social and political justice is really the undoing of old judicial mistakes.

By the same token, an activist jurisprudence, one which anchors the Constitution only in the consciences of jurists, is a chameleon jurisprudence, changing color and form in each era. The same activism hailed today may threaten the capacity for decision through democratic consensus tomorrow, as it has in many yesterdays. Ultimately, as the early democrats wrote into the Massachusetts Constitution, the best defense of our liberties is a government of laws and not men.

On this point it is helpful to recall the words of the late Justice Felix Frankfurter. As he wrote:

> [t]here is not under our Constitution a judicial remedy for every political mischief, for every undesirable exercise of legislative power. The framers carefully and with deliberate forethought refused to enthrone the judiciary. In this situation, as in others of like nature, appeal for relief does not belong here. Appeal must be to an informed, civically militant electorate.

As students of the Constitution are aware, the struggle for ratification was protracted and bitter. Essential to the success of the campaign was the outcome of the debate in the two most significant states: Virginia and New York. In New York, the battle between Federalists and Anti-Federalist forces was particularly hard. Both sides eagerly awaited the outcome in Virginia, which was sure to have a profound effect on the struggle in the Empire State. When news that Virginia had voted to ratify came, it was a particularly bitter blow to the Anti-Federalist side. Yet on the evening the message reached New York, an event took place that speaks volumes about the character of early America. The losing side, instead of grousing, feted the Federalist leaders in the taverns and inns of the city. There followed a night of good fellowship and mutual toasting. When the effects of good cheer wore off, the two sides returned to their inkwells, and the debate resumed.

There is a great temptation among those who view this debate from the outside to see in it a clash of personalities, a bitter exchange. But we and our distinguished opponents are carrying the old tradition of free, uninhibited, and vigorous debate. Out of such arguments come no losers, only truth.

It's the American way. And the Founders wouldn't want it any other way.

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Why We Need Nuclear Weapons

And Which Ones We Need

Patrick J. Garrity

For the past 40 years, the United States has relied heavily on its arsenal of strategic nuclear weapons to deter Soviet aggression against the United States and its vital interests. For at least the first two decades of that period, American nuclear superiority was sufficiently evident that there seemed to be little chance that deterrence would fail. But as the Soviet Union caught up with, and to some minds, surpassed the United States at the nuclear level, the credibility of the threat of American nuclear response declined markedly. Former senior government officials such as Robert McNamara and George Kennan even went so far as to say that the United States could no longer afford to use nuclear weapons except in retaliation against Soviet use of such weapons. Large groups in the United States and Western Europe called for a nuclear freeze or nuclear disarmament.

At first glance, many of these suggestions seem reasonable. Why else would the United States use nuclear weapons except in response to a massive Soviet nuclear attack? Why should we continue to build weapons when both sides already have the capability "to blow up the world five (or 10 or 50) times over," as is frequently asserted? To answer these questions, it is useful to review the purposes for which the United States builds nuclear weapons, and then turn to more particular questions about which nuclear weapons are best suited to these missions. The American strategic arsenal serves the following purposes:

To Deter Nuclear Attacks on American Cities. Common sense tells us that the best and perhaps only way to dissuade the Soviet Union from ever striking the United States with nuclear weapons is to possess nuclear weapons ourselves. If the Soviet Union alone had a stockpile of nuclear weapons, the Soviets could dominate American policy by threatening to destroy U.S. cities unless Washington yielded to Soviet interests.

The Soviet nuclear arsenal is massive, containing many times more weapons than would be necessary to devastate the United States. Roughly two-thirds of Soviet strategic warheads (nuclear weapons that can be delivered against American territory) are on long-range ballistic missiles based in the Soviet Union. These ICBMs include the enormous SS-18 missile, which has roughly seven times the "throw weight" or delivery capability of the U.S. Minuteman ICBM and twice that of the new American MX missile. Each SS-18 can carry one warhead with an explosive power or yield of 20 megatons—equivalent to 20 million tons of conventional explosives such as TNT—or up to 10 warheads each with a yield of perhaps 50 kilotons (500,000 tons of conventional explosive). The Soviets have deployed 308 SS-18s, arming them with over 3,000 ICBM warheads, all of them suitable for use against American cities or hardened military sites.

This is hardly the entire Soviet land-based missile capability. The U.S.S.R. also has built 360 SS-19s (with up to six warheads of 550 kilotons yield each), 520 SS-11s (with one warhead of one megaton), and 60 SS-13s (with one warhead of 600 kilotons). In total, the U.S.S.R. probably has approximately 6,500 ICBM warheads, over three times the number of land-based warheads in the American arsenal. The Soviets are now beginning production and deployment of a new generation of ICBMs—including the SS-X-24 (eight to 10 warheads each) and the SS-25 (one or possibly three warheads), the former deployed at least in part on railroad cars and the latter on mobile transporters.

At one time, the United States believed that its superiority in ballistic missile submarines and long-range bombers made up for the Soviets' advantage in ICBMs. But the U.S.S.R. has been diligently improving its capabilities in these areas as well.

The Soviets now have 62 ballistic missile submarines, including the huge new Typhoon class (which will be familiar to those who have read the novel, *The Hunt for Red October).* The most modern Soviet submarine-launched ballistic missiles (SLBMs) such as the SS-N-18 and SS-N-20, are MIRVed—they carry multiple warheads that can be directed to individual targets. The SS-N-18 has up to seven MIRVed warheads, each with a yield of approximately 500 kilotons; the SS-N-20 has up to eight MIRVed

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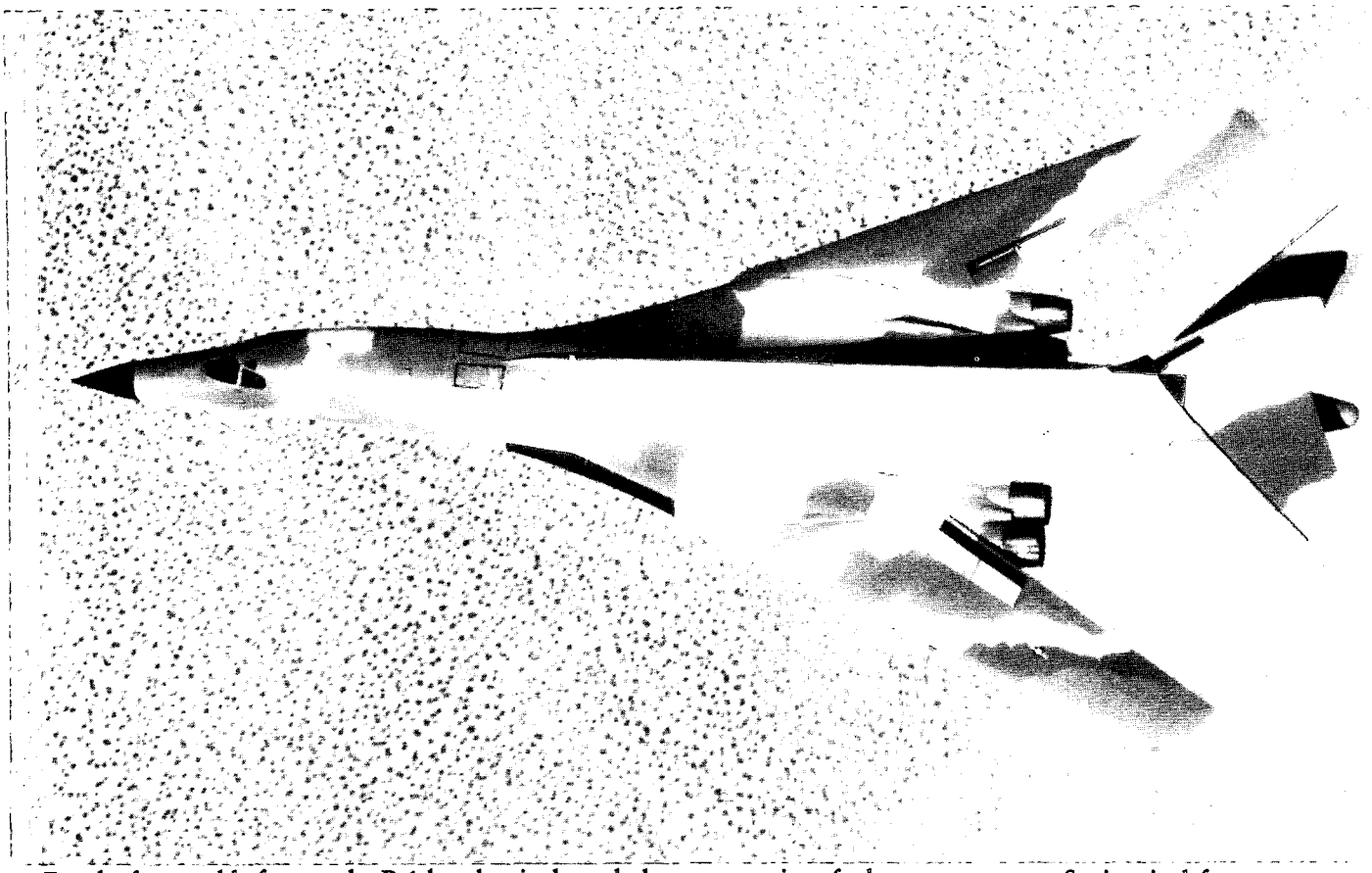

For the foreseeable future, the B-1 bomber is the only long-range aircraft that can penetrate Soviet air defenses.

warheads each with a yield of 100 kilotons. SLBMs are not as accurate as most Soviet ICBMs, but they have very long range—4,500 nautical miles—and can strike the United States from waters very close to the Soviet Union, and even from their own home ports. SLBMs can also be deployed quite near the American coast, in which case they will destroy their targets in under 15 minutes, compared with 30 minutes or so for an ICBM. In total, the Soviets have approximately 950 SLBMs with 2,100 warheads in their nuclear inventory.

In terms of long-range bomber aircraft, the Soviets have approximately 150 TU-95 Bears and MYA-4 Bison capable of reaching American territory with two bombs that must be dropped over the target. In addition, the U.S.S.R. has begun to produce a new variant of the TU-95, the TU-95H, which can carry eight or so air-launched cruise missiles carrying nuclear weapons. (Cruise missiles are essentially small, unmanned aircraft that can be launched several hundreds or thousands of miles away from their target). The Soviets also have approximately 250 TU-22M/26 Backfire bombers, many if not all designated for use against the U.S. Navy or targets near the Soviet homeland; however, the aircraft apparently does have the range (especially with aerial refueling) to reach the United States. If we assume that half of the Backfire force (125 aircraft) would be used directly against American territory, then the Soviets have over 1,000 strategic nuclear weapons that can be delivered by their bomber force. By 1987, the Soviets are expected to begin deploying the new Blackjack bomber, which will be designed especially for such long-range missions against the United States.

Taken altogether, Soviet ICBMs, SLBMs, and bombers can strike the United States with about 9,000 strategic nuclear weapons, a large percentage of which have an explosive yield of 500 kilotons or more. These weapons are so powerful that 200 to 400 megatons—say, 500 Soviet ICBM warheads—detonated over American cities would cause unimaginable devastation, killing tens of millions of Americans immediately and incinerating much of the U.S. economic infrastructure.

The main reason the United States possesses its own large arsenal of nuclear weapons is to prevent a situation where the Soviet Union could threaten to use its strategic forces against American cities unless Washington acceded to Soviet demands. While the United States cannot now physically prevent the U.S.S.R. from launching an attack against American cities, it can threaten to punish the Soviets with similar devastation, thus giving a rational Kremlin leadership no incentive to unleash an attack in the first place. Such deterrence by the threat of retaliation relies upon the notion of "unacceptable damage." The United States does not have to be able to destroy everything in the Soviet Union, but rather must be able to destroy more than the Soviet leadership believes that it could possibly gain by attacking in the first place.

There is very little doubt that the United States has the capability now and for the foreseeable future to wreak incredible destruction on the Soviet Union in retaliation

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for direct nuclear attacks against American cities. There is also little reason to believe that the Soviets would choose to commence a war in this fashion; the Marxist-Leninist imperative to destroy capitalism does not countenance the simultaneous destruction of the Soviet regime.

Is the United States really willing to challenge a Soviet attack against Paris or Bonn or Tokyo if it knows that Washington and New York and Chicago would risk nuclear destruction as a result?

To Deter Against Attacks on American Military Forces. Much more likely than a Soviet attack on American cities is a Soviet attack against American military forces in the United States and abroad. After all, the major obstacle to Soviet domination of the Eurasian continent is not the American people but rather the military power of the United States. Important U.S. military targets include ICBM missile silos; ports where ballistic missile submarines are based; ports from which the U.S. Navy operates; bomber airfields; the command, control, and communications network; facilities in which war stocks are stored; and crucial war-supporting industries.

Most of these military targets can now be destroyed by a Soviet strategic nuclear attack. American citizens should realize that the United States has no way at present to shoot down Soviet missiles, and only a very limited capability to defend against Soviet aircraft. A high percentage—by some estimates, 90 percent or more—of the approximately 1,000 U.S. ICBM silos are vulnerable to a strike by the U.S.S.R.'s accurate and powerful SS-18 and SS-19 missile force. Two-thirds of the U.S. long-range bomber force—perhaps 200 of the 300 or so B-52 and FB-111 aircraft—could also be destroyed under normal operating conditions. Approximately half of the U.S. ballistic missile submarine force (roughly 35 submarines, 600 SLBMS, and 5,300 weapons at full strength) is in port at any given time, and could be successfully destroyed. The American command and control network—the communication system by which U.S. political and military leaders stay in contact with their nuclear forces—is notoriously and possibly disastrously vulnerable to attack, especially if the Soviets can identify the relatively few key facilities that are necessary for the system to operate. Virtually nothing has been done to protect key U.S. industrial facilities against nuclear attack.

At most, the United States has between 2,000 to 3,000 military targets that the Soviet Union would want to destroy in the event of nuclear war. Some of these targets, principally the ICBM silos, are hardened—that is, made resistant to the blast effects of a nuclear weapon—and these would probably require the Soviets to aim two warheads at each to be confident of destroying all of them. Most other targets—for example, industrial facilities and ports—could be eliminated using just one nuclear weapon. The current Soviet ICBM force, with roughly 6,500 warheads, is both numerous and powerful enough to destroy these military targets (with the exception of 100 or so bombers, 15 or 20 submarines, and a handful of ICBMs). The Soviets would then have remaining several hundred ICBMs with several thousand ICBM warheads, plus 2,000 submarine-launched ballistic missile warheads (if some have not already been used), and 1,000 or so weapons aboard the U.S.S.R.'s bombers.

To be sure, the United States would even in this desperate case retain sufficient forces (e.g., several hundred missiles aboard submarines and approximately 100 bombers) to destroy a large portion of Soviet industry and millions of Russians. But the problem is: would the United States actually want to strike Soviet cities in this circumstance? Its own cities might still be largely intact, and to fire at the Soviet Union would be to assure that the still-massive second strike force of the U.S.S.R. would be launched at American population centers, wiping them out. A more likely American response—and therefore a more credible deterrent—would be to strike back at Soviet military force, including those reserve nuclear weapons, to remove whatever advantages the U.S.S.R. might have gained through its initial attack. This means that the United States needs to have nuclear forces that can successfully retaliate against Soviet military targets—for example, Soviet missile silos that have been hardened against nuclear explosions—in order to convince Soviet leaders that they cannot achieve victory by waging limited nuclear war. Unfortunately, in the event of such a Soviet attack, U.S. submarine-launched ballistic missiles and bombers would not be well suited to many of these necessary military missions.

To Deter Soviet Nuclear or Conventional Attacks Against U.S. Overseas Allies and Vital Interests. The current American concept of deterrence is even broader, and more ambitious, than simply to dissuade the Soviets from using nuclear weapons. Since the late 1940s, the United States has been prepared to use its nuclear weapons to deter and, if possible, defeat Soviet nuclear or conventional aggression against American allies in Europe and Asia, as well as Soviet attack on American interests in the Middle East. The risk is that if the United States employs its nuclear weapons to repel a Red Army attack somewhere in Eurasia, there is great danger that America's own home territory will come under Soviet nuclear attack as a result. This function of U.S. nuclear forces—to deter Soviet nuclear or conventional aggression abroad—is terribly controversial. It raises that awful question: is the United States really willing to challenge a Soviet attack against Paris or Bonn or Tokyo if it knows that Washington and New York and Chicago would risk nuclear destruction as a result?

Geography is the principal reason why the United States must contemplate the use of its nuclear forces in defense of Western Europe, Japan, and the Middle East. America is an island—a very large island, to be sure, but an island

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nonetheless—thousands of miles off the coast of Europe in the Atlantic, and far from the coast of Asia in the Pacific. The Soviet Union and its client states, on other hand, are only a few hundred miles at most from the English Channel, the Persian Gulf, and the Japanese home islands. While geography does not always work to the Soviets' advantage—intervening mountains and oceans must be taken into account—in general, the Soviets enjoy obvious advantages in being closer to potential areas of conflict than is the United States.

Consider the perilous situation on NATO's Central Front. Twenty-six NATO divisions (three of which are French and hence not under direct NATO command) currently confront 57 Warsaw Pact divisions (26 of them Soviet) in divided Germany and Czechoslovakia. The Warsaw Pact enjoys a 3,875 to 2,200 advantage in aircraft and a 29,000 to 9,770 advantage in tanks. Besides this, Soviet and Warsaw Pact reinforcements can be mobilized and brought into battle faster than those of the United States (which must be shipped or flown across the Atlantic) and its NATO allies, at least for the first few months of the war.

American analysts rightly point out that the military balance in Europe is not necessarily as bad as these facts might suggest. For instance, Soviet and Warsaw Pact divisions are as a rule smaller and less sustainable in combat than those of the major NATO nations. Over half of the Warsaw Pact divisions in the Central Front area are those of the Eastern European countries, and there are very real questions about how well (and against whom) the East Germans, Poles, and Czechs would actually fight. The terrain and location of the cities along the East-West border in Europe is such that the Soviets would probably have to take fairly narrow and predictable routes, which might prevent them from using their forces most efficiently.

The Soviets have been working diligently to overcome these problems, particularly by increasing the number of troops and the number and quality of weapons, in those divisions deployed closest to NATO. The Soviet leaders also expect to take advantage of the political schisms within NATO, and the natural reluctance of the Western democracies to take precautionary military measures in a crisis for fear of Soviet overreaction. For example, if domestic unrest in Poland causes the Soviets to increase the readiness of the Red Army in East Germany, NATO is more likely to interpret this as a Soviet attempt to affect events in Poland, rather than as Soviet preparations for the invasion of West Germany. If Soviet divisions then turn west rather than east, NATO will probably be caught substantially unprepared. General Bernard Rogers, the NATO commander, has publicly stated that in the present circumstances, his forces could not hold out for more than a few days before he would have to request permission to use nuclear weapons to avoid defeat.

Let us turn now to the oil fields of the Persian Gulf and the Middle East. The Soviets have 20 uncommitted divisions located in the Caucasus and the Transcaucasus west of the Caspian Sea, six more divisions in the Turkestan Military District, and four divisions fighting in Afghanistan. Most of these divisions are not fully manned in peacetime, but their equipment is being modernized. The Soviets have taken important steps to increase their ability to intervene rapidly and over considerable distances through the use of airborne and special operations forces. A full-scale Soviet ground attack through Iran toward the Persian Gulf would be no small undertaking—the mountainous terrain in much of Iran does not lend itself easily to rapid armored warfare—assuming that there is effective resistance by the Iranians. But the Soviets might be able to use relatively light forces to leapfrog to Teheran, or to the capital of one of the Persian Gulf states, in response to a call for "assistance" by a pro-Moscow faction that had just seized power.

In this event, with the oil supplies of the Persian Gulf possibly at stake, the United States has the option of intervening with its Rapid Deployment Force (now termed Central Command, or CENTCOM). Unfortunately, CENTCOM must rely on U.S. ground forces that are also assigned other missions (such as the reinforcement of Western Europe) and hence may not be readily available when needed in the Middle East. Even if they are available, the United States only has enough airlift and sealift to move fairly small units (e.g. airborne or amphibious battalions) and its equipment into the area within the first few days of fighting. The 82nd Airborne Division and the Seventh Marine Amphibious Brigade might be available within two weeks, but the first mechanized brigade would take five weeks, and a three-division corps would require two and a half months, to reach the combat area.

With such grim facts in mind, the Carter Administration in 1979 and 1980 reportedly studied the use of tactical nuclear weapons to block a Soviet offensive in Iran. President Carter's 1980 formal declaration that the Persian Gulf region represents a vital American interest—a doctrine since endorsed in somewhat different form by the Reagan Administration—explicitly raises the possibility that the United States might have to commit its nuclear forces to the defense of the region against potential Soviet aggression.

To sum up, at this time and for the foreseeable future, U.S. and allied non-nuclear forces cannot confidently expect to repel massive Soviet conventional aggression against vital Western interests without the eventual use of nuclear weapons. But the deterrent threat of a nuclear response to conventional aggression will lack credibility if the United States has no other option than to attack Soviet cities massively, because American cities would in turn be vulnerable to a Soviet counterattack. This is why the last four administrations, Democratic and Republican alike, have emphasized the importance of developing the capability to retaliate in a limited fashion against Soviet military targets.

These "limited nuclear war" options, though much derided in the disarmament camp, do offer some hope of halting Soviet aggression while perhaps preventing the conflict from escalating to all-out nuclear war. The limited and flexible use of nuclear weapons may be difficult or impossible to carry out in practice, but the existence of such a U.S. capability denies Moscow the possibility of putting an impossible "suicide or surrender" decision before an American President who is confronted with a Soviet invasion of Western Europe.

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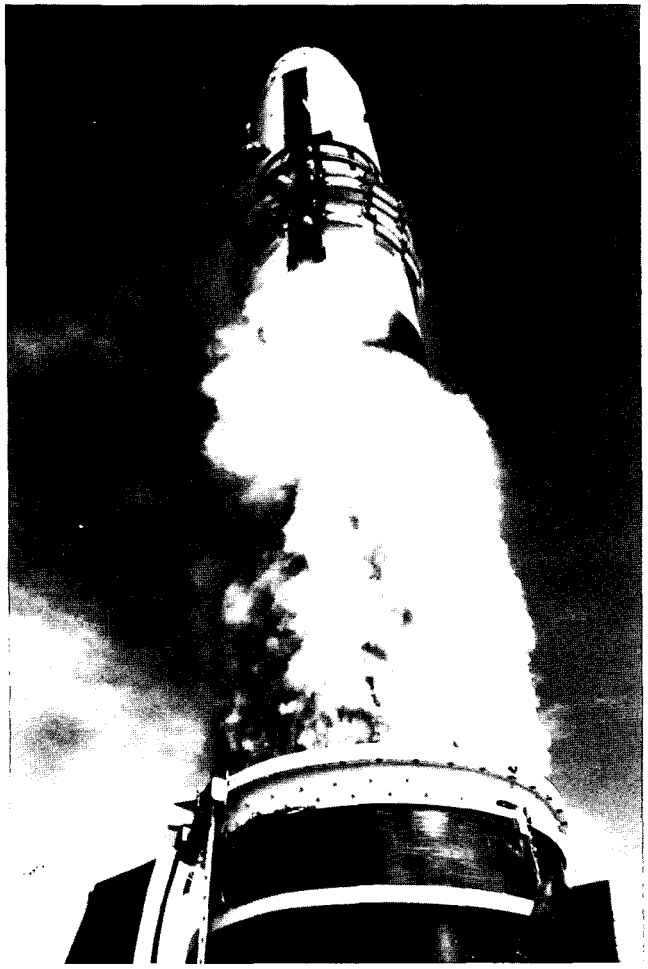
Conventional Weapons Instead of Nukes?

Given the three threats outlined above—a Soviet nuclear attack against American cities, a Soviet nuclear attack against U.S. military forces, and Soviet conventional aggression against vital American overseas interests—it is reasonable to ask whether nuclear weapons are in all cases necessary to deter or respond to such threats. The first two cases would involve a direct and possibly massive attack on American territory; in these instances, nuclear retaliation would be both necessary and appropriate. But many citizens of this country strenuously object to threatening a nuclear response to Soviet conventional aggression in faraway countries, even if these countries are close allies or vital interests. Escalation to an all-out nuclear war involving the U.S. population is a very real fear.

Of course, the United States has the option of simply refusing to use its nuclear weapons if the Soviet Union attacks Western Europe, Japan, or the Persian Gulf region. Former Secretary of State Robert McNamara and several other former senior government officials have proposed precisely this kind of approach through their advocacy of a "no-first-use policy"—the United States would not initiate the use of nuclear weapons during a war, even if Western conventional forces could not prevent the Red Army from achieving victory.

If the United States were to adopt such an explicit no-first-use policy, however, the Soviets would have gained much toward their long-term goal of separating the United States from American allies and *vital interests* in Eurasia. The U.S.S.R. could then plan the use of its conventional forces with much greater confidence that such an attack would not be disrupted by a U.S. nuclear counterstrike. Also, U.S. allies would almost certainly be much more susceptible to Soviet political pressure generated by the unceasing military threat posed by the Red Army. This problem would be most serious in NATO, where the Western European governments have maintained their support of the deployment of Pershing II and ground-launched cruise missiles (GLCMs) despite an enormous Soviet propaganda campaign and considerable domestic resistance. In the eyes of the current European governments, an American no-first-use doctrine would be tantamount to abandoning the traditional U.S. commitment to defend Western Europe.



With 10 warheads per missile, the MX is cost effective.

There is another way in which the United States could conceivably avoid the first use of nuclear weapons in the event of a Soviet conventional attack: strengthen American and allied conventional forces to the point where they could defeat the Red Army without the use of nuclear weapons. Programs to improve Western conventional forces are indeed wise and necessary. Without reasonably effective ground forces, naval support, and tactical air power, American and allied forces might be overrun so quickly in Europe or Asia that there would be no opportunity even to consider the use of nuclear weapons. But there are limits to what conventional forces can reasonably be expected to do for the following reasons:

Cost: Mechanized army divisions, aircraft carrier battle groups, marine amphibious forces, and tactical air wings cost a great deal of money, and as manpower expenses and equipment costs go up, these essential conventional forces will cost even more. To cite the most prominent example: American armed forces stationed in Europe to defend NATO number about 350,000 men and women, with 200,000 of them in the U.S. Army. These troops are supported by 3,000 tanks (the most modern of which cost several million dollars each), 600 aircraft ($10 million to $20 million each) and several naval carrier battle groups (perhaps $5 billion to $10 billion for all associated ships and aircraft). Some estimates put the American conventional force contribution to NATO at $80 billion to $100 billion dollars each year, one-third of the U.S. defense budget of roughly $300 billion.

In relative terms, strategic nuclear forces are much less expensive than U.S. non-nuclear forces. For many years, the funding for the development, deployment, operation, and maintenance of American strategic forces has taken less than 15 percent of the overall defense budget. To be sure, nuclear weapons cannot be simply substituted for conventional weapons on a one-for-one basis in order to save money—building an additional 200 ICBMs will not allow the United States to decommission one aircraft carrier or disband two infantry divisions. But any attempt to develop conventional forces that could without nuclear assistance meet all of the possible Soviet threats in Europe, the Middle East, and Asia, is simply not possible without a staggering increase in the defense budget. In 1982, analysts

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The American ballistic missile submarine force is capable of destroying most Soviet cities.

in the Defense Department reportedly calculated that such a high-confidence global conventional capability would take half as much again as the Reagan Administration was then prepared to spend—probably $450 billion to $500 billion per year.

Allies: The United States over the past decade has placed considerable political pressure on its European and Japanese allies to bear a great share of the conventional defense burden. While the United States now devotes over six percent of its gross national product to defense, most of the NATO European nations spend little more than three percent of GNP on defense, and the Japanese spend one to one-and-a-half percent. From the American standpoint, no successful local defense of NATO, the Persian Gulf, or Japan is possible unless the allies pay their share, regardless of how much the United States is willing to spend. These allies suffer from the same economic and political constraints on increased defense spending as the United States, however. Their reluctance to increase spending on conventional forces is reinforced by the allies' conviction that conventional war limited to European or Japanese territory is only marginally preferable to nuclear war. For them, the American nuclear guarantee—and not massive conventional forces—is the best, if the only, means of maintaining deterrence. Americans might think otherwise, but European (and, to a lesser extent, Japanese) opinion cannot be lightly ignored.

The Relationship of Conventional and Nuclear Forces: Nuclear and non-nuclear weapons should be viewed as complementing one another, not as alternative military options. The threat that the United States might use strategic or battlefield nuclear weapons to break up a Soviet attack makes the task of U.S. conventional forces considerably easier. For instance, the Red Army would be forced to disperse its attacking ground troops in order to minimize the danger that one nuclear weapon could destroy an entire formation; but by dispersing their forces, the Soviets will find it more difficult to break through NATO's conventional defense. Strong conventional defenses, in turn, can protect theater nuclear weapons against a sudden Soviet assault while giving time for the United States and its allies to consider carefully the type of nuclear response that may be needed.

The Way We Were

During the 1950s, the administration of President Eisenhower relied very heavily on its strategic nuclear superiority—often estimated to be as high as 10:1 in bomb-delivered weapons—to deter Soviet conventional and nuclear aggression. In theory, the U.S. Strategic Air Command's bomber force could have responded to a Soviet ground attack against Western Europe with a massive nuclear counterattack against the U.S.S.R. This "massive retaliation" would have directly aided in the defeat of the Red Army, destroyed the political and economic foundation of the Soviet regime, and eliminated most, if not all, of existing Soviet long-range nuclear capability. Those Soviet bombers that did escape would have to fight their way through extensive U.S. continental air defenses. In practice, things might not have worked out quite so well, but the American policy of "massive retaliation" in the 1950s was sufficiently believable to the Soviets that it allowed the United States to cut back on its conventional forces.

Massive retaliation ultimately depended on the ability of the U.S. offensive nuclear forces and bomber defenses to protect American territory from a Soviet nuclear attack. By the early 1960s, however, the Soviets improved their own nuclear forces—adding ICBMs in blast-resistant silos and

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placing ballistic missiles on submarines—to the point where the United States could no longer expect to protect itself sufficiently in the event of an all-out nuclear war. Beginning with the Kennedy Administration, the United States accordingly adjusted its nuclear doctrine to allow for a flexible nuclear response. The United States no longer based its nuclear deterrent on an all-out retaliation against the Soviet Union, but rather planned to tailor its response to meet the level and location of Soviet aggression. A flexible nuclear response policy thus made it much more difficult for the Soviet military to plan an attack and held out some hope that, if deterrence failed, the United States might be able to achieve its political-military objectives without suffering from a devastating Soviet nuclear attack.

The "flexible response" policy of the Kennedy Administration was generally followed by both Presidents Johnson and Nixon. Over the past decade, two factors have led to an important refinement in the doctrine. First, careful study of Soviet military doctrine suggested to U.S. officials that the U.S.S.R. believes a nuclear war, at least in theory, can be fought and won—perhaps not now, but conceivably at some point in the future. Second, it became apparent that nuclear threats which might deter the United States will not necessarily deter the Soviets, especially during a major crisis when the Kremlin might assume that the very existence of the Soviet regime was at stake.

For the United States, the destruction of American cities and millions of Americans constitutes "unacceptable damage" or "assured destruction," as the popular expression would have it. The Soviet leadership, on the other hand, is generally believed to define "unacceptable damage," as destruction of the ability of the Soviet Communist Party to maintain power. In other words, Moscow is less concerned with the fate of the general population and more concerned with the survival of the Soviet political and military leadership, plus key industrial personnel, the maintenance of internal communication systems, and the continued viability of Soviet conventional and nuclear forces.

Even if the Soviets could preserve these vital elements in the midst of a nuclear war, there is no guarantee that their "victory" would have any real meaning in the midst of incredible general devastation. But Soviet standards, and not our standards, must be the determining factor here. Accordingly, the United States no longer assumes that the threat of general devastation is sufficient to deter the Soviets from attacking American allies and interests in all circumstances. As a consequence, U.S. flexible nuclear response doctrine now specifies that American nuclear forces must "hold at risk"—that is, be capable of destroying—a substantial proportion of these vital elements of Soviet power to ensure that deterrence will not fail. Because the Soviets have hardened many of these critical targets against nuclear blasts, attempted to conceal others, and made still others mobile, U.S. strategic forces are required to do far more than just land in the general vicinity of a few hundred Soviet cities to do their job.

The Reagan Strategy

In October 1981, President Reagan announced a five-part program to upgrade the U.S. nuclear deterrent so that the requirements of American national security policy detailed above could be met. By doing so, the President effectively set the strategic agenda for the remainder of the decade, given the long lead time necessary to develop and deploy nuclear weapon systems. Because of technological, political, economic, and bureaucratic constraints, we will thus have to pick and choose our future force structure from among the basic elements of the President's modified strategic force modernization program.

1. The Reagan Administration originally sought the deployment of 100 MX ICBMs, first in existing missile silos and eventually in some sort of basing mode that would allow the MX to survive Soviet nuclear attack. (Each MX will contain 10 independently-targetable nuclear warheads with sufficient accuracy and yield to destroy many hardened Soviet targets, including some of the U.S.S.R.'s own fixed ICBMs. The present 1,000 Minuteman ICBM force is not very capable against this type of Soviet target.) Political pressures have since compelled President Reagan to limit MX deployment to 50 missiles in fixed silos—the administration has been unable to devise a politically acceptable way to deploy the missiles survivably—while beginning the development of a small, single-warhead ICBM (Midgetman) to enter into service beginning in 1992. The first MX ICBMs should be deployed in 1986.

2. The President has consistently supported the continued deployment of Trident ballistic missile-carrying submarines (which have 24 launching tubes compared with the 16 aboard the Poseidon submarines now in service). Seven Trident submarines are currently in service or are undergoing sea trials; a total of 15 to 20 Tridents are likely to be built through the early 1990s. The President also supported development and deployment of the Trident II (D-5) submarine-launched ballistic missile which, unlike the missiles now on station, will be capable of destroying hardened Soviet targets. As a short-term fix until the D-5 begins to come on line in 1989 or 1990, the administration has begun to place nuclear-armed cruise missiles aboard U.S. attack submarines.

3. The administration has also sought the continued deployment of 20 air-launched cruise missiles aboard the aging B-52 bomber force while reviving the B-1 penetrating bomber that had been cancelled by the Carter Administration. The administration also decided to maintain the research and development program begun by President Carter for an advanced technology bomber that could be ready for production in the early 1990s. This so-called "Stealth" bomber is intended to penetrate Soviet air defenses because its advanced design will make it very difficult for enemy radars to locate and track the plane. The administration proposed to deploy 100 B-1s beginning in 1985, and approximately 130 Stealth bombers beginning in the late 1980s or early 1990s.

4. Nuclear forces would be useless if U.S. political leaders and military commanders could not communicate with and control those forces. Secure communications, command, and control systems ensure that U.S. nuclear retaliation will take place in the event of Soviet attack, and these systems are absolutely essential to carry out limited and flexible nuclear counterattacks. President Reagan thus proposed to upgrade the early warning system of satellites and ground-based radars; to develop mobile and redun-

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dant communications nodes; and to provide at least the rudimentary capability to assess the damage that both sides might have suffered in a limited exchange of nuclear weapons.

5. Even as early as 1981, the Reagan Administration decided to enhance American strategic defenses by upgrading the almost non-existent air defenses of North America, expanding ongoing civil defense programs, and pursuing research into the future possibility of both ground-based and space-based defenses against Soviet ballistic missiles. This part of the administration's strategic force modernization program underwent a dramatic change in March 1983, when President Reagan challenged the American scientific community to devise a way to make ballistic missiles "impotent and obsolete." The President's charge led to the formulation of the Strategic Defense Initiative (SDI), a five-year, $26 billion research program to determine whether current and anticipated technology will permit the achievement of effective ballistic missile defenses.

Weapons We Need

Some parts of the President's strategic force modernization program—such as the MX ICBM and SDI—have generated intense controversy. Other elements, such as the D-5 submarine-launched ballistic missile and the B-1 bomber, have enjoyed relatively smooth political sailing to date. Budgetary and arms control pressures continue to increase, however, and every weapons systems is likely to become fair game for cancellation—especially if draconian cuts in defense spending are imposed because of general budget-cutting requirements. The United States may confront hard choices about the future of American nuclear forces.

If the sole concern were to prevent massive and direct attacks against American cities at the outset of a U.S.-Soviet war, these choices would be much easier. The American ballistic missile submarine force, now being modernized with new Trident submarines and the Trident I (C-4) missile, plus a bomber force consisting of B-52s with cruise missiles and the new B-1 aircraft, would be sufficient to destroy most Soviet cities and many "soft" military targets in response to a massive Soviet strike against American population centers. But bombers and ballistic missile submarines alone might not be enough to deter Soviet attacks against U.S. military forces, and particularly to deter Soviet conventional aggression against American allies and vital interests overseas.

Of all the weapons systems available in the foreseeable future, the MX is the best suited for use against those assets that the Kremlin values most highly—the Soviet leadership, general purpose and nuclear forces, and the command and control network. A large number of these targets are hardened against nuclear attack, and the MX will be capable of destroying most of them because of its high accuracy (on the order of 0.05 nautical miles, compared with 0.12 nautical miles for the current Minuteman III). The MX will also be cost effective (with 10 warheads per missile, compared to three each for the Minuteman III), and will have greater throw weight (7,000 pounds to 2,400 pounds for the Minuteman III). Throw weight is important not only because it allows the MX to carry more warheads, but also because it permits the new ICBM to carry advanced penetration aids to help defeat future Soviet ballistic missile defenses, if that is judged necessary.

The MX is also valuable against Soviet targets that must be attacked quickly, because its flight time is only 30 minutes, compared with eight to 12 hours for bombers and cruise missiles. (SLBMs may have an even shorter flight time, but communications with submarines are difficult under the best of circumstances, and it could take at least two or four hours for political leaders to authorize a submarine command to fire.) And the MX, like all land-based missiles, has relatively secure and rapid communication links, making it the most reliable instrument for carrying out limited attacks against Soviet military targets. Bombers might conceivably be used for limited responses, but they would have to fly through heavy Soviet air defenses that would be concentrated around high-value targets; for this reason, bombers are best used in much larger attacks where Soviet air defenses have been previously struck by U.S. ICBMs or SLBMs. Submarines are also ill suited to limited options: they would reveal their position to Soviet naval forces if they fired only one or two missiles; their communications with the national leadership are poor; and because they are an ideal "assured destruction" force, the United States would want to hold them in reserve through early rounds in the fighting.

Of all the weapons systems available in the foreseeable future, the MX is best suited for use against those assets that the Kremlin values most highly—the Soviet leadership, general purpose and nuclear forces, and the command and control network.

Unfortunately, the considerable size of the MX—190,000 pounds—makes it difficult to protect against easy destruction by a Soviet first strike. All of the missile's desirable characteristics would be meaningless if the Soviets simply wipe out the MX in a preemptive attack; indeed, because the MX is potentially so dangerous to Soviet wartime strategy, the U.S.S.R. would have considerable incentive to attack the MX, and hence U.S. territory, at the outset of a conflict. A number of ingenious (some might even say harebrained) basing schemes have been advanced to make the MX less vulnerable: the missile could be moved among shelters on a huge "racetrack," or MX silos could be built so close together that incoming Soviet warheads would destroy themselves rather than the U.S. ICBMs. But none of these schemes have met the twin tests of technical feasibility (will it allow the missile to survive a

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Soviet attack?) and political acceptability (will Congress and the general public buy it?). As a result, the planned MX deployment size has dwindled from 200 under the Carter Administration, to 100 in the first Reagan Administration, to 50 at present. Even more importantly, because of the political and technical deadlock over MX basing, these 50 missiles will be deployed in fixed and vulnerable silos.

Dissatisfied with the MX, Congressional moderates and liberals began pushing for another ICBM that would meet the criteria of security from Soviet attack, and yet retain most if not all of the MX's deterrent advantages. The result is the small ICBM, popularly known as "Midgetman." This missile will be much smaller than the MX—with only 1,000 pounds throw weight—and hence presumably will be much easier to protect by deploying it on vehicles that are mobile and hardened against Soviet attack. The small ICBM will also be an arms controller's dream because it will have only one warhead, compared with 10 on the MX. This could reduce the overall number of nuclear weapons, and it might encourage both sides to move away from big MIRVed missiles like the MX or the Soviet SS-18, which are regarded as dangerous because of their utility in a first strike. To ensure that the administration and the U.S. Air Force toe the "small is beautiful" line, Congress has insisted that the small ICBM, like a prizefighter, meet a designated weight—in this case, 30,000 pounds.

The small ICBM continues to enjoy strong support in Congress, but several major clouds on the horizon might prevent it from becoming the logical successor to the MX. Small may be beautiful, but it can also be very expensive. The General Accounting Office has estimated that a force of 500 Midgetmen deployed on hard mobile launchers may cost $40 billion to $50 billion, and other sources place that figure even higher. Fifty MX missiles, which would have the same number of warheads (500), are expected to cost on the order of $10 billion or less. The Midgetman is as yet only a concept, not a missile, as is true of the hardened mobile launcher. And even if all else goes well, the first Midgetman will not be ready for service until 1992—six years after the first MX is deployed.

There are also serious questions whether an ICBM weighing only 30,000 pounds will have the range, throw weight, and accuracy necessary to destroy hardened Soviet targets, and to penetrate Soviet ballistic missile defenses if such exist. If the Midgetman is not capable of holding these vital Soviet assets at risk, then it will not be particularly effective in carrying out the traditional role of the ICBM in deterring Soviet attacks against U.S. military forces and allies. A small mobile missile may also complicate arms control negotiations, since it is much more difficult to locate and count than are missiles deployed in fixed silos.

ICBMs are so critical in deterring Soviet aggression, including conventional warfare, that the United States will continue to be at a considerable strategic and political disadvantage unless it is somehow able to rectify the vulnerability of its present and prospective ICBM force to Soviet attack. This has led a number of respected public figures, including Zbigniew Brzezinski and Max Kampelman, to propose that the United States consider developing the capability to defend its ICBM forces through active defenses—i.e., by shooting down Soviet missiles or their warheads before they can destroy American nuclear systems. The Reagan Administration already has in the works its Strategic Defense Initiative (often referred to as "Star Wars"), a five-year research program to determine the feasibility of various ballistic missile defense (BMD) technologies. SDI is not oriented specifically toward defense of U.S. nuclear forces—it seeks a much more comprehensive capability to defend American territory and not just military forces—but the logical first step toward a multi-layered BMD system would be protection of the U.S. ICBM force. Both the MX and the Midgetman might well be politically and strategically more attractive if they were thus defended against a Soviet first strike. This would be particularly true of the MX, since it would be much more cost effective to build than its smaller counterpart, assuming that it did not cost more to defend.

Of course, the idea of ballistic missile defenses also has no shortage of opponents, particularly among moderates and liberals who favor the small ICBM or no new ICBMs at all. Perhaps the key argument against defending ICBMs, whether the MX or the small ICBM, is that the Soviets would inevitably respond by moving to defend their own ICBMs, command and controls, and military forces, thus complicating or preventing a U.S. retaliatory attack that would be required to assure deterrence against Soviet conventional aggression. These critics argue that there would be little point in removing the threat against U.S. ICBMs, only to see those ICBMs rendered effectively useless by Soviet ballistic missile defenses.

This is an important, but not necessarily decisive, argument against deploying a BMD system to protect the U.S. ICBM force. Other considerations may make strategic defenses either attractive or necessary. The Soviets' program to harden, conceal, and make mobile many of their key assets, coupled with the U.S.S.R.'s growing capability to deploy nationwide defenses on short notice (e.g., the infamous Krasnoyarsk radar, which violates the 1972 ABM Treaty), may someday negate the effectiveness of U.S. ICBMS, even if the United States itself does not go ahead with its own BMD deployment. Second, the Soviet Union has made such an extraordinary economic, military, and political commitment to its ballistic missile force, that the Kremlin might be thrown on the geopolitical defensive if the ICBMs and the SLBMs of each side were rendered (militarily) impotent and obsolete.

In the absence of strategic defenses that would protect ICBMs, the most significant element of the President's offensive force modernization program may well be the D-5 submarine-launched missile. As long as U.S. ballistic missile submarines at sea cannot successfully be attacked by the U.S.S.R., the D-5 missile will give the United States the essential capability to destroy hardened Soviet targets from almost the beginning of a war, as well as to hold many vital Soviet assets at risk for several months into the war. The D-5 is by no means a complete substitute for the military utility of ICBMs, but it certainly buttresses deterrence of Soviet attacks against U.S. cities, military forces, and overseas interests. But even the D-5 is not without its opponents. Now that the MX ICBM program has effectively been truncated on Capitol Hill, this very capable SLBM

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will undoubtedly come under political fire precisely because a substantial faction in Congress is dead set against any U.S. ability to attack hardened Soviet ICBM silos. These critics have already begun efforts to limit the number of D-5 missiles deployed (analogous to the cutback in the MX ICBM from 100 to 50), and to restrict the accuracy and the yield of the warheads on the D-5 so that this missile is not powerful enough to attack hardened Soviet targets.

The U.S. bomber force has taken on increasing importance given the fact that the MX and the Midgetman ICBMs are in political jeopardy, and given the bomber's ability to attack such vital Soviet targets as conventional forces in the field, and mobile missiles and command posts. Such counter-military strikes, as we have seen, are a critical part of U.S. efforts to deter Soviet conventional as well as nuclear aggression. For the foreseeable future, the B-1 bomber is the only kind of long-range aircraft that can penetrate Soviet air defenses and carry out this kind of search-and-destroy mission. (The B-52 bombers now carry up to 20 cruise missiles each that are fired well away from the actual impact point, but these unmanned weapons are obviously much less effective against mobile targets.)

Some supporters of the B-1 would prefer to purchase more than the planned 100 aircraft rather than to wait for the advanced technology bomber (ATB) to come on line—because of the B-1's versatility, and because of the high cost ($70 billion) and technological uncertainty associated with the Stealth bomber.

Supporters of the ATB claim that the B-1 will not be able to penetrate the highly complex Soviet air defense system in the 1990s, and that the B-1 is far too expensive to build solely as an aircraft to launch cruise missiles. As long as the U.S. deterrence policy mandates the capability to attack mobile targets with bomber aircraft, say the ATB supporters, it must be willing to pay the price associated with highly advanced weapon systems like the Stealth bomber. The argument between the relative merits of the B-1 and the ATB will become much more informative in the next year or so, when the Reagan Administration is expected to release critical data about Stealth technology that has hitherto been unavailable to the public because of security restrictions.

The SDI Factor

If the defense budget remains stagnant or is reduced over the next several years, some hard choices about the size and composition of U.S. nuclear deployments will have to be made. Three strategic criteria should be kept in mind as critical to these decisions: 1) the military flexibility and effectiveness of various nuclear weapons; 2) the ability of different kinds of nuclear forces to survive Soviet attack; and 3) the utility of various offensive nuclear forces in a world where one or both sides have deployed strategic defenses.

The United States should focus its SDI research program toward making a relatively rapid judgment about whether and which BMD systems are technically feasible and strategically desirable. This judgment, whether affirmative or negative, will greatly affect future decisions about offensive forces. If it is decided that ballistic missile defense systems are feasible and desirable, then both the MX missile and the Stealth bomber look more attractive than they are today. Defended MX missiles would be less costly to build than Midgetmen, and would be better able to penetrate Soviet ground-based defenses. A bomber that could penetrate Soviet defenses would likewise be more important in deterring Soviet nuclear or conventional aggression.

By contrast, in the absence of strategic defense, it will be more important than ever for the United States to have an effective and survivable ICBM force. Since production of the MX is currently limited by both political and technical constraints, the small ICBM or Midgetman will look more attractive, so long as it cannot be destroyed by preemptive Soviet attack, so long as it is deployed in sufficient numbers to make it militarily worthwhile, and so long as it can strike all types of Soviet military targets, including hardened ones.

In the absence of strategic defenses, the high cost and technological uncertainty associated with the Stealth bomber suggests that the United States might wish to purchase more B-1 bombers instead, while improving the "radar invisibility" of new versions of the B-1 whenever possible. This decision can probably be deferred for a year or so without penalty, until more is publicly known about the Stealth aircraft.

Essential nuclear command and control systems would also be easier to maintain if strategic defenses were deployed. In the absence of strategic defenses, these systems will have to be more capable and hence more expensive.

The Trident II (D-5) submarine-launched ballistic missile will be an important addition to the U.S. nuclear arsenal as long as this SLBM is capable of destroying hardened Soviet targets. This capability would strengthen American deterrence against Soviet attack by convincing the Soviets that their principal military and political assets would not survive a protracted nuclear war.

No illusions should be entertained about the devastating effects of a nuclear war. Any nuclear conflict, however "limited," would be catastrophic. Nevertheless, nuclear weapons play an absolutely essential role in deterring both nuclear and conventional wars.

The United States needs nuclear weapons capable of convincing the Soviets that they cannot achieve their aims through nuclear or conventional aggression and intimidation—or that the costs of aggression would be too high, even if the Soviets could achieve their narrow military aims. Without such protection, the United States and its allies would be at the mercy of the world's largest and most aggressive military power.

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The New Feminist Revolt

This Time It's Against Feminism

Dinesh D'Souza

While women in America are doing better than ever, the women's movement is in decay and despair. The reason is that feminism, which once helped open many windows of opportunity for women, has now turned against itself. Many of feminism's pioneers and its most brilliant advocates are now protesting the very social developments they cheered and accelerated only a couple of decades ago—developments that have proved harmful to the interests of most women.

American women have made remarkable professional advances in the last 15 years. Now there are 104,000 female lawyers, up from 13,000 in 1970; 130,000 female bankers, up from 43,000; 101,000 female engineers, up from 21,000; and 83,000 female doctors, up from 29,000. Even the physically strenuous and hazardous fields are now open to women. Today there are 96,000 women who are truck drivers, compared with 42,000 in 1970; 78,000 woman construction workers, compared with 61,000 in 1970; and 72,000 policewomen, compared with 22,000 in 1970. Indeed the representation of women in every part of the work force has increased: women continue to dominate traditionally female occupations such as nursing and secretarial work, but they have also penetrated the computer industry, stockbroking, wholesale and retail products, university teaching and administration, real estate, and the media.

Women are scaling higher and higher rungs on the political ladder. According to the Center for the American Woman at Rutgers University, more than 15,000 women now hold elective office, up from around 5,500 in 1975, a 300 percent increase. There are more women in the Senate and the House of Representatives than ever before. In the home, men and women share cooking, laundry, and other responsibilities in a way they never did. Female sexuality is considered just as legitimate as male sexuality: some of the old double standards have been repealed. Finally, abuses to which women have always been subject are receiving the attention they deserve. Rape and wife abuse both inspire a public horror and bring stern penalties in court; previously, though not exactly vaunted social customs, they were downplayed in the absence of totally unambiguous evidence. The feminist movement catalyzed and, in some cases, initiated these social developments, for which the vast majority of American women owe it a great debt.

Yet the feminist movement enters the new year anxious and demoralized. Its problems are acknowledged by many of the prime movers of women's liberation. Betty Friedan writes about a "profound paralysis" in feminism. Judy Goldsmith says this is an "extremely difficult period" in which the women's movement finds it "nearly impossible to make advances." Andrea Dworkin observes that "The women's movement is in decay and is not likely to recover very soon." Susan Brownmiller admits that "The steam has run out of feminism." This is lugubrious rhetoric coming from women who once displayed extraordinary vitality and optimism. Predicting nothing less than a transformation of Western society, they propelled their feminist ideology to the center of public and private discourse. They challenged the conventions of language, of social protocol, of religious practice, of raising children. Only two decades later, with only a fraction of their expansive agenda met, these women are all suffering post-feminist depression.

Partly they are responding to a series of political defeats. Despite an energetic, multi-million dollar campaign, enormous encouragement from the media, and the endorsement of countless public officials, feminists were unable to get the Equal Rights Amendment (E.R.A.) ratified. Nor, despite their extravagant promises, were they able to prevent the President's re-election with Geraldine Ferraro on the Democratic ticket. The Reagan Administration, feminists complain, has diminished the trend of female political appointments, balked at affirmative action for women, proposed regulations to limit abortion and birth control for minors, and scaled back federal handouts such as Aid to Families With Dependent Children (A.F.D.C.) which primarily benefit women. Of late the Supreme Court has not been cooperative either: its *Grove City* ruling narrowed the interpretation of Title IX to ban sex discrimination only in specific educational programs that receive federal funding; it has permitted Congress to cut off Medicaid funds for the purpose of abortion; it may soon reconsider the constitutionality of *Roe v. Wade.*

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Erosion of Support

But the main problem for feminism is not ephemeral political reversals. It is the massive erosion of support among American women. Not just women, but also young career women who owe most to the feminist crusades of an earlier era and ought to be the movement's fiercest defenders and ripest recruits. Jean Bethke Elshtain, a feminist professor at the University of Massachusetts at Amherst, writes that the women's movement is perceived by young women as harboring "contempt for the female body, for pregnancy, for childbirth, and child-rearing." Also as an outlet for "mean-spirited denunciation of all relations between men and women." In 1981, the *New York Times Magazine* published a lead article by a feminist noting with dismay that most females in their 20s view feminists as "bored," "unhappy," "bitter," "tired," and "lacking in humor." Moreover, "feminism has come to be strongly identified with lesbianism."

It's not simply a matter of skewed perceptions, which, after all, could be triumphantly ascribed to the patriarchal press. The most intelligent and influential feminists of the 1960s and 1970s are now recanting important aspects of their previous thought and, in the process, turning against the most ingrained assumptions of the women's movement. Betty Friedan's 1963 classic, *The Feminine Mystique,* helped launch the feminist movement by identifying the family as an oppressive institution in which women's needs were systematically denied. Recently, in *The Second Stage,* Friedan worries about "feminist denial of the importance of family, of women's own needs to give and get love and nurture." She calls for a revival of the American family, and feminist relationships with men based on mutual love and cooperation, not hostility.

In 1970, Germaine Greer wrote *The Female Eunuch,* which condemned motherhood as a handicap and pregnancy as an illness. "If women are to effect a significant amelioration in their condition," Greer wrote, "it seems obvious that they must refuse to marry." Instead, they should be "deliberately promiscuous" but not conceive babies. In 1984, Greer published *Sex and Destiny,* a self-avowed "attack upon the ideology of sexual freedom," in which she blames artificial birth control for the decline of fertility in the West, laments family breakup and autotelic sex, decries the 600,000 annual sterilizations in this country, and says the export of contraceptive technology to the Third World is "evil."

Susan Brownmiller, whose *Against Our Will* alerted an entire generation of feminists to rape and sexual politics, now scarcely misses an opportunity to excoriate the women's movement. It ignores "profound biological and psychological differences" between men and women, she says, and is fixated on issues such as comparable worth, which she finds "dumb" and "dopey." In apparent opposition to such feminist causes as affirmative action and maternity leave with pay, Brownmiller remarks, "I don't see why men should have to step aside and wait for women to catch up after they've taken time off to have children. That's a very difficult truth for a lot of feminists, who don't want to believe that there are these differences or that there could be a handicap." Brownmiller's point is that if women choose to have children, an option not open to men, they should "accept the consequences of that choice."

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Betty Friedan: She worries about "feminist denial of the importance of family, of women's own needs to give and get love and nurture."

"Days of Outrage"

Recently, Eleanor Smeal was elected president of the National Organization for Women (NOW) on a pledge to break the apostasy and bewilderment in the movement and revive the catatonic troopers. She has announced a 200,000 person rally in support of abortion on demand in the spring of 1986. Other planned NOW events include an "emergency campaign" to revive the Civil Rights Restoration Act of 1984, the reintroduction of E.R.A. in state legislatures, a "stepped up fight" to legitimate homosexual and lesbian lifestyles, a drive for comparable worth legislation, the sponsorship of Vatican embassy "days of outrage" to oppose Catholic teaching on sexuality, and the cementing of a "strong alliance" with the disarmament movement.

Smeal's adrenalin-charged approach stirred up many NOW delegates, yet there are grave doubts within the organization over whether the real problems of feminism can be addressed merely through pungent talk and indig-

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Photo by Elsa Dorfman

Andrea Dworkin: "Women who have lived through the sexual revolution have a lot of remorse. They got used. They got abused."

nant marches. "Futile nostalgia for the radical marching tunes of another day will not enlist a new generation in different circumstances," warns Betty Friedan, the founder of NOW. Indeed Friedan argues that one reason NOW's membership has been plummeting, from 200,000 a few years ago to 130,000 today, is that feminists have failed to confront the empirical results of programs they backed in the past.

An increasing number of thoughtful feminists, though, are beginning to take on these issues. After helping to remedy social evils that existed, they are now turning their attention to social ills that they helped to cause. They are coming to terms with the negative fallout of the women's movement, debating these in candid and undogmatic terms, and sometimes arriving at solutions which fall outside the parameters of feminist orthodoxy or perhaps even repudiate the earlier tenets of feminism.

The best example of such an issue is no-fault divorce. There are now such easy, egalitarian divorce laws in 48 states, passed largely in response to pressure from the women's movement. But in a recent book that is drawing a great deal of perspiration in feminist quarters, *The Divorce Revolution*, Lenore Weitzman points out that men have benefited from no-fault divorce laws and women have been harmed. Her study of 3,000 cases shows that, as a result of these laws, divorced women and their children suffered a 73 percent drop in their standard of living, while their ex-husbands enjoyed a 42 percent rise in theirs.

This happened partly because of married women's relative lack of job training resulting in lesser earnings in the marketplace. Also because equal sharing of property under no-fault laws usually means the forced sale of the family home, which previously used to be awarded to the wife and children. Child support payments by the father almost always end when the kids turn 18, just about the time that college expenses begin and the mother must pay exorbitant bills. Easy, no-fault divorce laws may also have contributed to the larger number of divorces in the United States, spreading their economic consequences to more and more women. The number of divorces has risen from 479,000 in 1965 to over a million last year.

The deleterious consequences for women of no-fault divorce laws are not merely economic. Feminist author Barbara Ehrenreich points out that divorced women are much less likely to get married again, and the likelihood of marriage for women falls off sharply with age. Thus women are often deprived of intimate companionship in the later, more difficult years of life. In the 45-54 age group, for example, more than 60 percent of divorced men remarry, compared with only 38 percent of women. Part of the reason is that older men have a much easier time finding considerably younger women to wed. "Men can reasonably expect to have two marriages," Ehrenreich says. "Women can expect to grow old without a partner." Feminists have roundly condemned the social reality that women depreciate faster than men, but they have no idea what to do about it.

A few feminists have begun to reconsider no-fault divorce. Judy Goldsmith, former president of NOW, who was recently ousted from the position by Smeal says the laws need "careful re-evaluation" and recommends tighter restrictions on divorce and more lucrative settlements for women. Gloria Steinem, editor of *Ms.*, says the forced relocation of women and children after the family house is sold "poses enormous hardship." But she, like most feminists, does not advocate greater legal restrictions on divorce, such as a mandatory waiting period, because this is what anti-feminists want. Some women's advocates have simply reconciled themselves to the consequences of no-fault laws. Barbara Ehrenreich's only advice is that women alter their expectations to include loneliness and financial hardship. Karen DeCrow, NOW president from 1974-1977, believes "Women should no longer look on marriage as a source of income and stability, only as a source of companionship and sexual pleasure. They should stop assuming that because their marriages are ending, they should be supported for life."

Women in Poverty

Feminists are becoming increasingly aware of the role of divorce and out-of-wedlock births in generating poverty for women in the United States. Previously it was thought that poverty was simply a function of omnipresent sexual discrimination. But the feminization of poverty in this country has come about precisely as sexual discrimination has decreased—thanks to social and legal prohibition. Divorced and unmarried women with children frequently do not marry; as a result, their children are raised in single-parent households. There are now 10 million female-

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headed households in the U.S.; 35 percent of them live below the poverty line. In 1959, only 25 percent of poor whites and 29 percent of poor blacks lived in female-headed households; in 1984, 42 percent of poor whites and 68 percent of poor blacks did. Few of these women were poor when they lived with their husbands or their parents. It is when the pregnant teenager leaves her home and lives alone with her child that she is most likely to be hungry and homeless; the poverty rate for such women is 70 percent. Similarly, it is when a divorced woman tries to raise her children on her own that the economic condition of her household tends to deteriorate.

It is ironic, given this, that virtually all the early feminist literature inveighed against the traditional family and against having children within marriage. Marriage was equated with subjugation, with incarceration, with slavery; husbands were "predators" (Susan Brownmiller), "oppressors" (Kate Millett), and "cannibalists" (Ti-Grace Atkinson). Pregnancy was "a temporary deformation of the woman's body for the sake of the species" (Shulamith Firestone). Children were instruments of the confinement of women in the home. At the same time, feminists showed no animus whatsoever against teenage pregnancy and births out of wedlock; these were treated as socially inevitable and a sign of the erosion of suffocating norms. Feminists protested all societal attitudes that discouraged divorce and unmarried births, portraying them as antiquated and cruel.

The only feminist solution for female-headed households, increased government aid to unwed mothers to ameliorate their condition, was tried during the 1960s and 1970s; the evidence now shows that it failed miserably, and may have added to the problem it was designed to solve. For example, the number of female-headed black households has more than doubled since 1965, as increased welfare payments reduced women's incentives to stay with their husbands, as well as providing men with excuses to leave their wives and children. "What middle class white feminists construed as oppresive, the family, has been the main source of economic stability of poor black women," comments Jean Elshtain. In fact, she says, "Many feminist ideas and proposals have deepened the inequities between men and women. Some of the results we should have predicted. But it's time to admit that the feminist vision was limited. We can't keep blaming everything on sexism and backlash."

"Dopey" Comparable Worth

A few feminists are even taking on the recent drive of the women's movement for comparable worth on the grounds that it is an implicit rejection of what feminists fought for during the last 20 years. The initial goal of feminism was to pry open erstwhile male professions. The assumption was that women were just as good as men in the marketplace; if jobs were equally open to them, they would be able to compete with men, and pay equity would soon be achieved. As Sally Ride became an astronaut, Geraldine Ferraro a vice-presidential candidate, and thousands of other women ascended to top positions in corporations and government, this objective seemed to be realizable.

But then it became clear to feminists that not many women immediately qualified for the most attractive of these jobs, that several competent women who struggled hard for their promotions then quit because of their inexplicable desire to have children, and that the majority of women showed no particular desire to enter well-paying but physically demanding areas such as construction work. Feminist theorists who cogitated over this problem came up with a panacea: if women don't want the lucrative male jobs, they reasoned, female salaries should be elevated by legislative mandate to masculine levels.

The market mechanism is usually used to set wages, but feminists have never been unduly enthusiastic about the market. The market is "racist and sexist," says Jennifer Brown, president of the New York chapter of NOW. "I don't trust the market. Frankly, I detest it." Feminists have called for consulting firms to set prices for jobs based on credentials and skills, and courts to instruct employers to raise women's pay based on these evaluations. To see how this works, consider the following assessment from the court case of *American Federation of State, County, and Municipal Employees v. State of Washington:*

	Nurse	Typist	Truck Driver
Knowledge and Skill	280	106	61
Mental Demands	122	23	10
Accountability	160	23	13
Working Conditions	11	0	13
TOTAL VALUE	573	152	97

Confronted with this table, Jean Elshtain says, "This is arbitrary. Absurd. Almost nightmarish. All I can imagine is thousands of bureaucrats sitting around trying to figure out what jobs are worth." The calculus obviously overvalues credentials and undervalues unpleasant working conditions and temporary and irregular hours, she points out. Karen DeCrow adds, "In the market system, we don't pay people on the basis of training alone." By most comparable worth criteria, she says, "Bruce Springsteen would probably get minimum wage." DeCrow views the feminist drive on this issue mainly as a "consciousness-raising device." Susan Brownmiller alleges that comparable worth "makes a mockery out of work" by pretending it can be objectively assessed for monetary value. So far the courts have sided with these two feminists against the majority of their colleagues, ruling that actual discrimination has to be proven before women's wages are elevated by fiat.

The Obliging Pornographer

In the social arena, the most significant development that feminists initially accepted as a sign of sexual liberation but are now gravely regretting is pornography. Most feminists were never for pornography, but certainly did not mind the way it undermined traditional values and marital fidelity. Many criticized pornography for only depicting trashy and dumb-looking women, but *Playboy* promptly

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accommodated them with special features on "Women of the Ivy League" and "Women of Mensa." Some feminists berated the double standards by which men could view pornography with immunity while women were supposed to be uninterested in it; again, the pornographers obliged with *Playgirl* and male striptease shows.

Many feminists drew distinctions between pornography and erotica but others were quick to expose these as jesuitical and legally irrelevant. Karen DeCrow now publishes articles in *Penthouse* savagely critical of her feminist friends who work to outlaw smut. Conceding that most pornography caters to men, DeCrow maintains that this is because "Women have not had the freedom to express an interest in sex. They have been taught to reject the erotic." The most dangerous thing feminists can have in this country is censorship, DeCrow argues. "Our social movement is radical and often unpopular. Any mechanism for banning material will hurt us." Among the feminists who continue to oppose antiporn activism are Ellen Willis of the *Village Voice,* who says that "in rejecting sexual repression and hypocrisy, pornography expresses a radical impulse" that should attract feminists, and Betty Friedan, who worries that pornography protests are "giving the impression on college campuses that to be a feminist is to be against sex."

But these rationalizations for legalized pornography are becoming more and more scarce in the feminist movement. The reason is the incredible proliferation of pornography in the last decade. Today's market brings an estimated $7 billion in annual revenues, an average of $30 for each man, woman and child in the United States. The menu has expanded beyond spontaneous heterosexual liaisons into a smorgasbord of homosexuality, bestiality, sex with inanimate objects, gang rape, necrophilia, and sex murders. Even children are not exempt from the cast of characters.

None of this was predicted by the early feminists, most of whom believed that as constricting social norms were set aside, sex could be freer and less perverted and consequently the demand for pornography would evaporate. In fact, it greatly multiplied and, in a perverse application of Gresham's Law, bad sex began to drive out good sex. Feminist opposition to pornography has become increasingly belligerent. Many groups are casting their civil libertarian rhetoric aside to argue for the legal prohibition of materials that portray women being raped, slashed, beaten, and humiliated—and loving it.

Feminists who have resisted the impulse to censor pornography find themselves having to condemn another feminist enterprise: attempts to sanitize allegedly sexist works of literature and religion. Take the case of the National Council of Churches responding to feminist pressure and rewriting the Bible to expunge patriarchal images. Judy Goldsmith objects, "To take the sexism out of the Bible as though it wasn't there is basically a lie." There is both sex and sexism in that document, she says, and both should be left in. Karen DeCrow concurs. "The Judeo-Christian religion has been very woman hating," she says. "I don't know if sanitizing it is such a good idea. Women should know where the real tradition comes from."

In the other camp, feminists who have come to recognize the dangers of pornography and the harm done to women by it are now conceding that, on the issue, they were wrong and the anti-feminists were right. "Phyllis Schlafly had been making trenchant comments about pornography long before us," admits Twiss Butler, a NOW member who works on the issue. "When Jerry Falwell starts saying that there is real harm in pornography, then that is valuable to me," says Andrea Dworkin, founder of Women Against Pornography (W.A.P.). Dworkin views pornography as nocturnal holocaust, "Dachau in the bedroom," but she has reason for her apoplexy: when she was married to a Dutch freethinker, she says, she was regularly battered by him. "Both of us read pornography," Dworkin recalls. It gave them "the wrong idea" of what constitutes fulfilling relationships. Now Dworkin blames not just the porn triumvirate—Hugh Hefner, Al Goldstein, and Larry Flynt—but the values of liberalism, feminism, and the sexual revolution itself for the social abuse that women suffer.

"Women who have lived through the sexual revolution have a lot of remorse," Dworkin says. "They got hurt badly. Sexual liberation only made life harder for women. They got used. They got abused. They got beaten. They got raped." The multiplication of sexual partners for women, Dworkin maintains, meant more instances of abuse simply by the "mathematics of the issue." But many feminists cling to the rhetoric of sexual liberation, Dworkin says, because "they aren't really consistent advocates of women's rights. They are concerned with the values of liberalism first and the values of women second." NOW leaders are "incredibly cowardly and timid" on the porn issue, Dworkin charges, "because they don't want to alienate their liberal supporters." Eleanor Smeal has said there is a "fascist undertone" to the antipornography movement.

Dworkin is not the only feminist to disavow most of the offshoots of the sexual revolution. Feminist activist Rachel McNair says, "The sexual revolution has become an excuse for sexual exploitation. The idea of sex as totally recreational has turned women into objects of recreation, into playthings." Germaine Greer laments "People are now blaming me for the sexual revolution" but in fact it was "not done by me, but by Hugh Hefner." These are unusual complaints coming from someone who publicized her spontaneous affairs, advocated the abolition of panties, and gave rousing speeches on "the great vaginal odor problem."

A similar epiphany came to Dierdre English, former executive editor of *Mother Jones,* who recently wrote an article wondering whether the feminists who heralded sexual liberation had in fact played into the hands of men. "Men have reaped more than their share of benefits from women's liberation." English wrote. "If a woman gets pregnant," for example, "the man who 20 years ago might have married her may today feel that he is gallant if he splits the cost of abortion."

Abortion Chic

A pro-choice position on abortion remains a central doctrine of the feminist creed. Some feminists even go so far as to deliberately get pregnant so they can have abortions in order to show their fertility and commitment to feminist principles, as the *Village Voice* reported in its

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February 4, 1981 article "Abortion Chic." One of the books recommended in a NOW catalog is *Abortion Is A Blessing.* Even on this issue, though, there are fissures in the movement. A few of them concern the fetus. Kathleen McDonnell's recent book *Not An Easy Choice: A Feminist Reexamines Abortion,* argues that even pro-choice advocates (such as herself) cannot avert their gaze from the mounting scientific evidence that the fetus is a human being. Some feminists have expressed dismay over the prospect of female fetuses being disproportionately destroyed with the development of gender-identifying technology. As it is, 15 million fetuses, 51 percent of them female, have not seen life because of the painful prerogatives exercised by American women.

Most feminist concern about abortion however, focuses on arguments that not just the unborn but also pregnant women suffer enormously as a result of abortion. Women Exploited by Abortion (WEBA), a newly formed group, has provoked great writhing in the feminist camp by documenting the physical harm and psychological devastation of hundreds of women who were led to believe they were simply "controlling their bodies." Feminists for Life, another recently launched organization, distributes materials arguing that the risk and the trauma of abortion falls entirely on women; men experience the relief without the internal convulsions. It has always surprised feminists that more men than women support abortion on demand; they predicted that this issue would align male and female on opposite sides of the political trench. Now feminists are beginning to see why the majority of their oppressors are with them on the abortion question.

The whole notion of the right to control one's body has, in some cases, taken on a peculiar connotation. The New York chapter of NOW opposes city regulations that require bars and restaurants to display signs saying, "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects." Similar to smoking warnings, this is intended to protect pregnant women who have already elected to have their babies. But, New York NOW declares, "We are most uneasy about the step this legislation takes toward protecting the unborn at the expense of women's freedom." Many feminists realize that the rhetoric of abortion rights, thus applied, hardly serves the interests of women. Led by Margery Shaw, a genetics and health law professor at the University of Texas at Houston, a number of feminists who support *Roe v. Wade* have condemned the NOW stance toward the New York regulation.

Germaine Greer's book *Sex and Destiny* has provoked most of the controversy surrounding birth control practices in Third World nations. She is challenging a feminist movement that is united in opposition to conservative groups which seek to deny foreign aid to countries using use tax policy or outright coercion to influence the number of children that are born each year. Ominous population explosion figures have made American feminists understandably eager to stem the tide of brown and yellow babies. But to brown and yellow mothers it makes all the difference whether they choose to have children or whether the government decides for them. At international conferences of feminists, they have pointed out the irony

UPI/Bettmann Newsphotos.

Germaine Greer: After advocating promiscuity and terming pregnancy an "illness," she has now produced a self-avowed "attack on the ideology of sexual freedom."

that while Western feminists demand the right to control their bodies, they are perfectly willing to let Third World states regulate the pregnancies of their women.

Germaine Greer sides with the Asian and African women on this question. In fact, she argues that for all their cultural habits, Third World women remain more connected than Western women to their bodies, to their fertility. Thus they are, in this crucial respect, more feminine than their European and American counterparts. In industrialized countries, Greer says, sex has been virtually severed from fertility, and most female behavior is not catered to children (who are generally viewed as nuisances) but to the libido of the male. Greer gives the example of the female breast, in the underdeveloped world used primarily to provide milk to the baby, in the West often denied to the infant and used mostly for male "fetishistic delectation."

Betty Friedan got a glimpse of the Third World liberated point of view at a U.N. Conference on Women in Copenhagen where, she says, Asian and Middle Eastern feminists ardently defended the chador and the veil, arguing, "It gives us more freedom." "We don't have to take so much time to dress up," etc. Further, some Iranian women maintained that Western feminists who lamented sexual role-playing nevertheless spent a great deal of their time accentuating their female contours and prettying themselves up for male attention. Greer argues that in underdeveloped countries female behavior and female sexuality is not primarily aimed at short-term male satisfaction but at giving birth to children and lifelong security in an immediate or extended family.

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UPI/Bettmann Newsphotos.

Women Against Pornography march: "Fascist undertones," says Eleanor Smeal.

Lesbian Labels

Homosexuality is another issue where we find feminism repudiating ideas and events that it once hailed as liberating. Susan Brownmiller remarks that when feminists adopted the lesbian cause they didn't see the slippery slope. "We tried to make people proud of who they were," she says. "That wasn't so bad when the gays and lesbians felt a sense of self-worth. But then the sadomasochists came out of the closet and became proud of themselves." Many of the bizarre sex practices of homosexuals have contributed to the degradation of sex and disrupted relations between men and women in society, Brownmiller says. Conceding that the lesbian label has become "a burden," Brownmiller insists, "We must protect the rights of lesbians while distancing ourselves from the label."

NOW has been battered with allegations of lesbianism by such groups as Phyllis Schlafly's Eagle Forum, so its leadership is now cagey on the issue. The group has stopped distributing its brochure on lesbianism where it asserts, "We must be willing to risk the loss of heterosexual privileges if we are to build a truly feminist society." NOW admits that 20 percent of its members are lesbians, a figure that Sonia Johnson—the excommunicated Mormon housewife who almost became head of NOW in 1982—says is probably higher. The NOW leadership, Johnson alleges, is unwilling to admit the lesbian character of the organization. "NOW is always telling lesbians to hide and disguise their sexuality. I don't see why they should do this." Johnson believes that perhaps all women "have to choose women sexually for a while if only to understand what a women's world would be like." Asked how many lesbians she worked with during her years in the NOW leadership, Johnson estimated, "a quarter to a half" of the NOW activists.

Finally, feminism is also at odds with itself when women who do not espouse the entire feminist agenda rise to top positions in business and government. It is extremely galling to feminist groups that most prominent women in American political life seem to be conservative. While NOW is firmly wedded to the Democratic Party, Jeane Kirkpatrick, Elizabeth Dole, Sandra Day O'Connor, Paula Hawkins, and Nancy Kassenbaum are all Republicans. All of these women are committed to women's equality, and some explicitly identify themselves as feminists. But even as feminist groups declare that their mission is to help women rise to higher and higher posts in politics, they ridicule and denounce conservative women who represent, in some sense, the greatest triumph of feminist aspirations. Sonia Johnson calls Kirkpatrick and Margaret Thatcher "female impersonators" who "look like women, but are inculturated as men."

When Sandra Day O'Connor recently got an award from a bar association in New York, over 60 female lawyers and law professors signed a petition calling the choice "an affront to women," even though O'Connor consistently votes right on feminist issues. The implication here is that if a woman doesn't agree with the feminist agenda in its entirety, she is, at best, opposed to the interests of women, and, at worst, a man in disguise. Even Betty Friedan was described as "falling into the old male pattern" by Gloria Steinem when she advised feminists to cast aside some of their excesses.

All this should suggest the degree to which feminists have turned against their fellow activists and their political and social agenda of the 1960s and 1970s. The new feminist agenda is closer to the hearts of the majority of American women. But it is a road paved over the corpse of the contemporary women's movement.

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Who Says You Can't Cut The Budget?

A Dozen Immodest Proposals

Thomas D. Bell, Jr.

The deficit for fiscal year 1986 is approximately five percent of GNP. To reduce the deficit by one-half of one percent of GNP per year for the next five years, Congress and the White House will need to enact a balanced program of tax increases and budget cuts.

The cost of living adjustments for non-means-tested entitlement programs (e.g., Social Security) should not be indexed to the full rise in the Consumer Price Index (C.P.I.), but to the C.P.I. less two percent, because from 1979 to 1982 the C.P.I. overstated the actual inflation rate. To offset the loss of income for low-income Social Security beneficiaries, additional funds should be appropriated for the Supplemental Security Income program. If both of these measures were enacted, the net reduction in outlays could approach $70 billion.

Deficiency payments to farmers should be ended, though a gradual phase-out is preferable to immediate elimination. If this proposal were adopted, federal spending could decline by as much as $17 billion.

Subsidies to the U.S. Postal Service, Amtrak, and urban mass transit systems should be sharply curtailed. Funding for the Export-Import Bank's direct loan program should be completely eliminated. These cuts could save as much as $20 billion.

Many services provided by the Department of Housing and Urban Development (HUD) should be devolved to state and local governments. For example, funding for such HUD programs as community development block grants and urban development action grants should be ended—a budget savings of up to $17 billion.

On the revenue side, a five percent value-added tax (exempting food, medical care, and housing) should be levied. Excise taxes on cigarettes, beer, and wine should be doubled. This could yield the Treasury up to $267 billion.

A national lottery should be established. This would be a relatively painless means of generating as much as $12.5 billion a year in revenues.

Thomas D. Bell, Jr. *is president and chief executive officer of the Hudson Institute.*

James T. Bennett

The Agriculture, Energy, Commerce, Education, Housing and Urban Development (HUD), Transportation, Interior, and Labor Departments should be eliminated. President Reagan in the 1980 campaign cogently presented arguments for phasing out the Departments of Energy and Education; these need not be repeated here. One of the major disappointments of this administration is that these initiatives were never pursued with vigor.

The Department of Labor is basically a conduit for supplying funds to politically powerful labor unions; the Department of Agriculture (U.S.D.A.) is a thinly-disguised welfare program for some of the nation's farmers (those facing economic disaster because of, not in spite of, U.S.D.A. farm programs). By any standard, the programs pursued by Agriculture, Interior (especially land management), and HUD have been failures and further expenditure of taxpayers' funds for these purposes is equivalent to dumping money down a rathole. The functions of Commerce, Interior, and Transportation that are economically viable can be privatized; in the absence of private sector interest in continuing the activities of these departments, the activities should be abandoned.

The other functions performed by the federal government should also be turned over to the private sector: the federal government should follow its own mandate set out in the Office of Management and Budget Circular A-76 and cease all operations that compete with the private sector. Specifically, such organizations as the U.S. Postal Service, the Tennessee Valley Authority, the Bonneville Power Authority, and others should be sold. In addition, all economic regulatory agencies of the federal government should be abolished; these hamper competition and primarily protect politically powerful firms and their unions from lower-cost competition. The consumer and the taxpayer would be better served by the termination of the F.C.C., the I.C.C., the F.T.C. and the remaining alphabet soup of agencies that purport to protect the consumer.

All off-budget finance that provides disguised subsidies to various special interests should be halted, accompanied by the elimination of the Federal Financing Bank in the

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Treasury. The Department of Health and Human Services should administer all welfare programs through voucher systems for housing, medical care, food programs, and legal assistance (thus eliminating the need for the Legal Services Corporation). Vouchers would be less costly and would give recipients greater freedom of choice. Cost of living increases should be eliminated for all government employees—after all, if the government is responsible for inflation, it is perverse to protect those in government from its consequences—and public employees' salaries and civilian and military pensions should be reduced to bring them in line with the private sector. A reduction of about 20 percent is in order for salaries alone. Cost of living adjustments in all federal programs, including Social Security, should be terminated as a means of building a large and vocal constituency for price stability.

Finally, many programs in the remaining cabinet departments should be reviewed and eliminated, e.g., the antitrust activities of the Department of Justice are largely a waste of taxpayers' funds. Moreover, a determined effort should be made to implement the recommendations of the Grace Commission to reduce waste and inefficiency, and stringent criminal penalities should be instituted to combat fraud and abuse.

These measures may, at the outset, seem draconian, but drastic action is required if there is any hope of bringing the Leviathan under control. The taxpayer is likely to be pleasantly surprised to discover that the nation can function perfectly well with far less government.

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WARREN T. BROOKES

Conservatives need to understand that without basic monetary reform there is no way to balance the U.S. budget, with or without tax increases and budget cuts, and even with the most optimistic GNP growth projections.

The reason is simple: since we broke the link to gold in 1971, the annual increase in the cost of servicing the Federal debt has risen from less than six percent a year to an average of 18 percent a year—and even 21 percent under Ford and Carter from 1976 to 1981.

Even the strongest nominal federal revenue growth of 10-12 percent a year cannot begin to catch up with the debt service growth which is now rising nearly $30 billion a year—almost half the total federal revenue growth of $65-$70 billion.

The solution is threefold.

First, the nation must return as quickly as possible to gold-based money and debt. If the Treasury immediately began to exchange all paper-based debt for gold-based debt, average federal interest rates could be cut from nine percent to three percent—and within three years this could cut federal outlays by at least $60 billion a year.

Second, the Congress and the Treasury could immediately move to make the Federal Reserve irrelevant by allowing free exchange of gold and silver, both public and private, setting up a parallel monetary system on a free market basis, allowing the public to choose. At the same time, the monetary base would be frozen by law, and all additional monetary issue would be through private banknotes and commodity specie.

Third, the Federal Reserve would be phased back to its original role as a bank-owned clearing house, thus eliminating its huge and costly presence in the money markets where its open market operations now run as high as $1 trillion a year. As part of this, it would use its vast holdings of short-term Treasuries to redeem the higher yield long-term bonds, a process that could save the Treasury another $8 billion a year by 1990. And by stopping its huge "market churning" open market operations, it would save up to $3 billion a year in brokerage costs.

Indeed, the Federal Reserve's vast asset value, with its huge holdings of non-interest bearing reserves, could be privately capitalized and the proceeds could be used to wipe out a substantial share of the government's present debt. No one knows the total amount, but estimates place the value at $700 billion to as much as $1 trillion.

From the outset, the supply-siders have argued that without monetary reform, tax cuts, budget cuts, and regulatory reform would be overwhelmed by interest costs and financial instability. That view gets more cogent with each passing day, as fiat money continues to destroy long-term capital formation at reasonable interest costs, and reduces the total world trade and GNP growth by 40 percent or more by the inefficiencies of the natural exchange rate volatility of a floating paper money system.

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KENNETH W. CLARKSON

Too often we reject sound public policy changes because their main effects may not be realized for several years. The most appropriate changes in fiscal policy for improving the long-run health of the nation fall under four categories.

Privatization of government assets and operations: No constitutional, economic, or public policy basis exists for continuing numerous government functions and operations, such as power generation and financial asset management, in the public sector. Because total opportunities for privatization exceed those identified by the Grace Commission Report, three-year savings would surpass the $8 billion in savings and $17 billion in government revenues estimated by the Commission.

Federalism: A greater focus on federalism is desirable not only for constitutional and public policy reasons; transferring many operations of federal programs to states would also save $5-$10 billion annually as a result of reduced administrative costs and improved performance. Because the best solutions to social problems often vary from state to state, significant inefficiencies are created by keeping the administration of federal programs at the national level. Giving increased control to states, which are able to utilize more flexible options and target solutions to specific populations, would lower program costs.

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Federal integrated recapture of subsidies tax: Substantial federal subsidies currently go to high-income families. More than $8 billion in in-kind benefits are transferred to families with incomes ranking in the top 20 percent in the country. Integrating these subsidies into the existing tax base would help reduce the federal deficit. A federal integrated recapture of subsidies tax (FIRST) would also improve the management of subsidy programs at all income levels. While specific elements may vary, FIRST would require issuance of a T-2 form (similar to the W-2 form) to all recipients of federal in-kind or income-support programs, subsidized loans, or other transfers. With accurate recording of such subsidies, the value of federal benefits received could be integrated into the system.

Parity in budget allocation: An examination of budget allocations over the past several years reveals a significant disparity in the distribution of funds among major governmental functions. Excluding fixed contractural obligations to pay interest on government-financed debt, allocation of federal dollars to the constitutionally mandated support of national defense has fallen from 53 percent (1955-65) to 24 percent (1975-85) of federal spending, while the fraction going to retirment and non-defense domestic programs has risen from 16 percent and 24 percent to 27 percent and 40 percent respectively for the same years (ignoring the Korean and Vietnam Wars).

While budget corrections have been made to both the military and non-defense domestic programs, the retirement portion has remained largely untouched. Parity in budget allocation mandates that federal retirement programs, including military, civil service, and Social Security, now share in future budget reductions. Federal retirement beneficiaries enjoy benefits that are greater than those that would have resulted from the same contribution to private sector plans. Thus, future benefit increases for current recipients could be reduced without going below the level that represents a fair actuarial return to the contributions made by them. And because of automatic indexation for inflation, federal retirement program recipients have disproportionately gained over the business cycle, relative to those in the workforce. The most equitable method for including federal retirement programs in the budget reductions is to limit future cost of living adjustments while ensuring that incomes do not fall below poverty levels. Overall, estimated savings from a cost-of-living adjustment, based on inflation rate minus three percent, represents about $50-$70 billion over the next three years.

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THOMAS J. DILORENZO

The federal budget could be cut at least in half by eliminating programs that are counterproductive, wasteful, or grossly unjust.

At least $75 billion should be eliminated from means-tested welfare programs alone. In 1982, the Grace Commission found that $61.2 billion could have brought every household in the nation out of poverty, although the actual amount spent on such programs was $124 billion that year. The money clearly is not going to the poor as it would, say, with an extensive voucher system or a negative income tax. Moreover, welfare spending *produces* poverty by subsidizing non-work, as Charles Murray and others have documented.

Many wealthy people are also the recipients of welfare. Most farmers are in the middle- to upper-income range, and many are millionaires. Nevertheless, they receive at least $30 billion in welfare payments annually in "farm stabilization" income. These programs should be eliminated in order to reduce the excess supply of agricultural products, stabilize farm prices, and end this regressive redistribution of income.

The phrase "welfare chiseler" is usually aimed at poor people, but the most disgraceful chiselers are big businessmen who receive corporate welfare. The federal budget includes more than $50 billion in direct taxpayer subsidies to big business, not to mention the indirect subsidies created through regulation. Such agencies as the Economic Development Administration, Small Business Administration, Minority Business Development Agency, Community Planning and Development Administration, Export-Import Bank, and the Foreign Assistance Program allow businessmen to cover up their own managerial ineptitude.

An additional $10 billion or more could be saved by eliminating the Department of Energy. During the 1970s, its price control and entitlement programs created energy crises and hindered the functioning of energy markets.

The Department of Education should be eliminated. It only exacerbates the well-documented negative correlation between government spending on education and educational achievement.

The lion's share of the military budget—over $200 billion annually—is spent for the defense of other countries. Our military allies must pay their own way so we can redirect military spending for weapons systems that will defend the United States. This would allow for major savings while improving the safety of American citizens.

An additional $20 billion or so can be saved by eliminating Housing and Urban Development subsidies to the housing industry and to relatively affluent homeowners. Government-owned housing inevitably turns into slums because of the absence of ownership rights. Government hosuing replaces part of the private housing stock and saves local politicians from facing the political consequences of their destructive rent control and land-use regulation policies.

Another prime candidate for elimination is more than $20 billion in revenue sharing. With federal deficits in excess of $200 billion, the federal government has no revenue to "share" with state governments, many of which are running budget surpluses. Revenue sharing does not go to "depressed" areas, as is often claimed, but to localities with the most political pull, including some of the most affluent counties in the nation.

Another $20 billion or so could be saved annually by abolishing the off-budget Federal Financing Bank, which is the epitome of fiscal irresponsibility and governmental hy-

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pocrisy. If its activities are in the public interest, why are they off-budget where the public has a difficult time learning of them?

Tens of billions of dollars could easily be trimmed from Social Security, perhaps not next year but in the future by guaranteeing current retirees their benefits, and then adopting a "super IRA" plan. Social Security is fraudulent, inequitable, and economically destructive.

Finally, we could certainly do without regulatory agencies such as the F.T.C., the antitrust division of the Justice Department, OSHA, E.P.A., the C.P.S.C., and so on, given the overwhelming evidence of the counterproductive nature of regulation. This would yield perhaps 20 times the direct budgetary savings by reducing the indirect costs of regulation imposed on the economy.

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ROGER A. FREEMAN

Huge deficits are the result of increased spending, not the tax cut of 1981. Federal revenues now equal 19 percent of GNP, exactly what they averaged over more than three decades prior to 1980. However, federal outlays, which averaged about 20 percent of GNP for three decades prior to 1980, have since climbed to 25 percent of GNP.

If the huge deficits are to be reduced to a tolerable level, then we need cuts in spending on domestic services, which soared from 25 percent of the total budget in 1955 to 54 percent ($511 billon) in 1985. Social Security and Medicare cost $255 billion in 1985, and are scheduled to rise to $354 billion by 1990. When two small trial balloons—affecting cost of living adjustments and reductions for Social Security recipients who claim benefits from age 62 to 64—failed dismally, political realists took Social Security off the table for possible savings. What those realists forgot is that while there are 37 million well organized recipients, there are three times as many contributors with sizeable deductions from their wages. Their interest is on the other side.

Current recipients strongly feel that they have paid for their benefits over their working life and have an unbreakable contract with the government. But the average recipient now gets back all he ever paid, plus interest, within about two to three years. Moreover, benefits are not proportional to workers' contributions—the wage base-benefit ratio is six times higher for some groups than for others. Social Security is not insurance, as most believe, but largely an overgrown and disguised public assistance program.

Chances are that future generations will not have as juicy a deal as the current recipients of Social Security—which suggests that a gradual adjustment to more fair and reasonable pay-in to pay-out ratios in Social Security should not be considered. Over the past half century Congress adopted hundreds of provisions to make Social Security more generous. By reversing a few dozen of them, the now planned $70 billion boost between 1985 and 1990 could be prevented.

The $30 billion projected growth in Medicare costs might be similarly prevented. Medicare is now paying out about 10 times as much as was estimated when the program was started two decades ago. That is no surprise in a system with built-in incentives for suppliers and consumers of health care that are clearly counterproductive. Why would anybody economize if he can buy a dollar of medical services for 20 cents?

By encouraging the health maintenance organization form of medical insurance, we might be able to sharply reduce Medicare costs from rising. This could also minimize the expected $23-$29 billion increase in Medicaid grants over the next five years.

Hundreds of other federal programs should be pared; here are a few that ought to be eliminated: $4.6 billion in revenue sharing; the $600 million impacted areas program; $600 million in railroad subsidies; $3 billion in mass transit subsidies; and $23 billion in farm price supports.

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DAVID KEATING

The U.S. government can keep spending just as much in the future as it's spending now—and we can still balance the budget, without increasing taxes, in about five years. All we need to do is stop federal funding from growing faster than inflation.

If this general principle had been followed in 1985, the federal budget deficit would have been $152 billion, not $212 billion. Inflation was under four percent, but spending went up 11 percent—the largest real increase in spending since 1975.

To hold spending down, every part of the budget must be brought under control. The best place to begin is abolishing as many subsidies as possible to business and state and local governments. These subsidies impede the economic growth needed for sound government finance. Certain other programs can be paid for by user fees.

That means abolishing the Small Business Administration, Export-Import Bank, Rural Electrification Administration subsidies, the Synthetic Fuels Corporation, postal service subsidies, urban development action grants (UDAGs), mass transit subsidies, subsidies for cheap electricity, and much, much more. We've got to cut spending on the wealthy and middle-class—including Social Security, Medicare, veterans' benefits, and student loans. A typical Social Security retiree recovers his contributions, including interest, within two years. It's time to reduce some of these huge windfalls. There are many ways to do this—a one-year freeze on cost of living adjustments (COLAs) could be followed by limiting COLAs to the consumer price index, minus three percentage points. Or Social Security benefits could be reduced by taxing benefits that exceed an individual's contributions, plus interest earned on the contribution. This could save $10 billion a year.

Veterans' compensation payments should be limited to people actually hurt during service. And veterans' hospital benefits should be limited to the truly needy.

Both the military and civil service retirement systems beg

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for reform. Civil service retirement ought to immediately be made comparable to private sector retirement plans.

The federal government is currently conducting the bizarre policy of propping up food prices while helping the poor to buy food. We should move as rapidly as possible to a free market agricultural system, and target deficiency payments so that no one would receive more than the maximum benefit.

Budget authority of the Defense Department should be frozen. We must persuade our allies to pay a larger share of their own defense. According to the General Accounting Office, we spend about $150 billion per year defending our allies. In view of our record federal budget deficits, we simply can't afford it. Gradually reducing this sum, even by just five percent, would save $7.5 billion.

DAVID KEATING *is executive vice president of the National Taxpayers Union.*

ARTHUR B. LAFFER

Our elected representatives appear to be flailing about in response to growing voter unrest over the imbalance in the federal budget. The wrong but seemingly easy answer would be to raise taxes and cut defense spending. President Reagan has closed these false options. What Congress must do is control runaway spending.

The federal deficit is a problem of excessive spending. Federal tax revenues today are approximately 19 percent of GNP, roughly where they were in the 1960s. Federal spending, however, has grown to 24 percent of GNP, ballooning the deficit to $200 billion per year.

The biggest spenders are high interest rates and high unemployment. Carefully designed economic policies could easily reduce expenditures in these categories by $100 billion a year.

First, the monetary authorities should implement a formal "price rule." The value of the dollar should be guaranteed in terms of a basket of commodities or a single commodity such as gold. Federal Reserve Board nominee Wayne Angell's proposal to target the price of a basket of commodities would be a step in this direction. With the value of the dollar secure, concerns over inflation would plummet, as would interest rates. With an outstanding federal debt of $1.8 trillion, each percentage point reduction in interest rates reduces government spending by $18 billion. A three percentage point reduction in interest rates would reduce in short order federal expenditures by more than $50 billion.

Second, Congress should pass a flatter, simpler tax and enterprise zone legislation. The lower marginal tax rates encompassed in these tax law changes would accelerate economic growth, create jobs, and reduce the ranks of the unemployed.

The Office of Management and Budget estimates that for each percentage point reduction in unemployment rates, the deficit is reduced by $20-$25 billion. Reducing the unemployment rate to five percent would cut the federal deficit an additional $50 billion.

One hundred billion dollars of spending cuts remain. But cutting $100 billion in expenditures by 1989 requires little more than prudence and good judgment. Just constraining federal spending increases to the rate of inflation would reduce the deficit by $100 billion a year by 1989.

Implementation of the Grace Commission's recommendations would save an additional $133 billion a year. The $5 billion of annual waste identified in the Defense Department is just a start. Procurement procedures which result in 16-page manuals for the purchase of sugar cookies also need to be reformed.

Reform of federal agricultural subsidies and credit systems can save $10 billion per year and restore prosperity to our agricultural community. Small Business Administration loans, which go disproportionately to bars, restaurants, liquor stores, and travel/lodging, should be eliminated, saving another $2 billion per year. Amtrak subsidies, revenue sharing, UDAGs, and subsidized loans to exporters also should be eliminated.

It's time congressmen and senators started spending our money like it was their own. Such a considerate approach to eliminating deficit spending would pave the way for further tax cuts.

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ROBERT W. POOLE, JR.

Federal spending grows because coalitions backing specific programs engage in logrolling with other coalitions. The key to cutting federal spending is to turn this logrolling process against itself, by a rigid spending limit.

Analysis conducted at the Reason Foundation shows that budget cuts of $150 billion in 1986, rising to $250 billion by 1991, are achievable via reverse logrolling. These cuts can be achieved without touching the basic social safety-net programs for the poor and handicapped (A.F.D.C., Social Security, Medicaid), veterans benefits, basic scientific research, or strategic weapons systems.

Five constituencies would share proportionately in the cuts. Conventional wisdom would say, for example, that there is no way to eliminate today's $29 billion of farm price supports, FmHA housing subsidies, and other rural programs. But what if such cuts were conditional on the urban middle classes giving up $28 billion in college grants and loans, transportation subsidies, and UDAGs? Likewise, American business is wedded to some $20 billion in subsidies—from massive energy R&D programs to cut-rate space launches, subsidized waterways, huge credit subsidies for foreign government weapons purchases, and the Small Business Administration. But those business sacred cows would be a lot less sacred if balanced against $15 billion in cuts for middle-class consumers.

With everyone else (except the poor and handicapped) taking cuts, it would be only fair to ask the elderly to bear their share. After all, only three percent of today's retired folks are below the poverty level. A one-year freeze on Medicare, Social Security, and federal retirement benefits would save some $23 billion.

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Foreigners don't vote, yet a huge share of the federal budget goes to subsidize other governments. According to Defense Department figures, $177 billion of the 1985 defense budget results from our commitment to NATO; Americans pay far more per capita to defend Europe than the Europeans do! If this massive "defense welfare" were phased out over five years, about half of that total could be saved ($88.5 billion). Savings the first year would be nearly $18 billion. Cutting defense here would in no way impair our strategic offensive and defensive capabilities. Eliminating foreign aid would save another $8 billion—and probably improve things in recipient countries.

Altogether, these program cuts total $126.2 billion for 1986. (Chart is in billions of dollars.)

PROGRAM CUTS AND ELIMINATIONS

URBAN	
CDBG/UDAG	4.00
Other community develop.	1.27
UMTA	4.60
EPA sewage grants	2.38
	12.25
MIDDLE CLASS	
Education programs	9.91
Culture/entertainment	1.19
Air travel (FAA ops.)	2.96
Rail travel (Amtrak)	.82
Miscellaneous subsidies	.43
	15.31
RURAL	
Community development	1.37
Commodity price supports	10.45
FmHA rural housing	4.64
REA	4.42
Misc. agriculture prog.	5.41
Water: SCS/BuRec	1.22
PL 480 Food for Peace	1.30
	28.81
BUSINESS	
Energy R&D	3.45
S.B.A.	1.25
Misc. business subsidy	3.16
Corps of Engineers	2.86
Foreign military sales	7.08
NASA shuttle	2.50
	20.30
ELDERLY	
Medicare freeze	7.8
Social Security freeze	13.5
Federal retire. freeze	2.0
	23.3
FOREIGN	
NATO subsidy (1st yr)	17.7
Foreign aid	8.5
	26.2

Source: O.M.B.'s "Major Themes and Additional Details, FY 1985." All figures (except NATO) taken from FY 1986 current services outlays.

Adding in $10 billion annually from sale of assets (lands, hydropower projects, airports, etc.) and interest savings, total 1986 savings would be $147.1 billion. By 1991, assuming that the cut programs would otherwise have grown at five percent per year, and factoring in the full fifth-year $88.5 billion NATO-subsidy elimination, total savings would be $248.8 billion.

Only by ending the process of everybody trying to live at everyone else's expense can we put the government's fiscal house back in order.

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RICHARD RAHN

Our number one economic goal should be rapid economic growth. High-growth countries offer prosperity and opportunity to their citizens. Low-growth countries spell economic stagnation and despair. History shows that high tax rates are the prime killer of robust economic growth. Consequently, it is important for us to avoid tax increases and concentrate our efforts on controlling the growth of public spending.

Many federal programs could be privatized, delegated to state and local sectors, or eliminated altogether with substantial net economic benefits to the general taxpayer. At a minimum, we should reduce the growth of federal spending so that the deficit falls as a percentage of GNP. Under consensus economic assumptions (three percent economic growth and four percent inflation), we could keep interest payments on the national debt from exceeding the growth of the economy if we could get the deficit below $150 billion. A safe bet would be to achieve a deficit of less than $100 billion by 1990.

In fact, there is enough room in the federal budget to make permanent cuts in excess of $50 billion a year. For starters, a one year COLA freeze on Social Security and other non-means tested programs would save about $6.5 billion in 1987 and over $10 billion in 1990. Such a policy is warranted in light of the large subsidies now given to present and prospective retirees. For example, it has been calculated by the Grace Commission that today's retiree and spouse, over a normal lifespan, will receive in real benefits nearly three times the value of their real contributions (including interest on those payments). Today's 20-year-old will not fare so well, receiving an estimated 72 cents for every dollar he puts into Social Security.

Elimination of agricultural commodity price support

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programs could save close to $8 billion in 1987 and $13.5 billion by 1990. Price supports mean higher prices for consumers and wasteful surpluses that must be bought with the taxpayer's income. The public would be shocked to know that 40 percent of farm subsidies go to the 10 percent largest farmers, who have an average net operating income of $86,000 per year. Reducing direct farm lending would save another $3 billion.

Eliminating revenue sharing would save about $3.5 billion in 1987. With many state and local governments running surpluses, there is no need for the federal government to subsidize activities that are not federal in nature.

Scaling down the massive federal role in housing could save as much as $3.5 billion in 1987 through a two-year moratorium. Public housing assistance is extremely costly—over 25 percent more than comparable private housing due to restrictions such as the Davis-Bacon Act. Housing assistance should be targeted to the needy via vouchers and privatization initiatives.

Termination and reduction of federal air, rail, and mass transit subsidy programs would save about $2.8 billion in 1987 and mount to $7 billion in savings in 1989. There is simply no economic justification for subsidizing services that could be more adequately provided by the private sector or that should be eliminated (e.g. Amtrak).

Increasing membership co-payments and fees for Medicare could save over $7 billion in one year alone. Although Medicare provides sizeable benefits, enrollees still only pay 35 percent to 40 percent of medical care costs. Federal subsidies per elderly person are $1,500 annually.

Another $6 billion could be saved by utilizing a small portion of the managerial efficiency savings (e.g. civil service and military pension and pay reform) suggested by the Grace Commission.

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PAUL CRAIG ROBERTS

It is not difficult to reduce the deficit. All Congress has to do is stop the government's budget from growing faster than the economy.

The easiest way to take a big chunk quickly out of the deficit is to freeze government spending (with the exception of interest on the debt) for one year. A one-year spending freeze has a tremendous effect on the future growth of expenditures and would reduce the deficit to an easily manageable, non-panic level within two to three years. A two-year freeze effective in 1986 would have wiped the deficit out by 1988.

A spending freeze is much easier than attacks on specific spending programs. Whenever specific programs are singled out, the beneficiaries and defenders ask, "Why us?" The whole effort is then lost in fights over budget shares. A freeze, on the other hand, does not disburb anyone's share. It is telling that Congress has never seriously considered a freeze. Instead, lawmakers have preferred to engage in highly visible fights over budget shares in order to "prove" that it is impossible to cut spending.

A general freeze also makes it easy to include entitlements, such as Social Security and Medicare. Many people do not receive cost of living adjustments every year. It would not destroy the living standards of Social Security recipients to forego a COLA for one year. Medicare could be handled by temporary deductibles.

Finally, if the administration could gain control over monetary and tax policy in order to re-establish a pro-growth environment and wed the latter to a one-year spending freeze, we wouldn't hear any more about deficits.

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HERBERT STEIN

Federal spending doesn't have to be cut at all. The nation could tolerate federal spending equal to 25 percent of the GNP forever. The only thing that must happen about the budget is that at some point the primary deficit—the excess of expenditures, other than interest over revenues—must be eliminated. If that is not done, the ratio of federal debt to GNP will rise endlessly, as rising debt raises the ratio of the interest burden to GNP and so raises the ratio of the debt to GNP still further. This does not, however, require that the total budget, as usually defined, should be balanced. We could go on forever with a deficit of, say, two percent of GNP, and stabilize the ratio of debt to GNP at about its present level.

The budget submitted by President Reagan on Februrary 4, 1985 was very sound. It would have put the deficit on the path of reduction. It would have made only minimum cuts in defense and in programs addressed to the very poor. It would have made a cut, for the fiscal year 1987, of $64 billion for all categories excluding defense, interest, and Social Security. That would have been a cut of about 16 percent below what expenditures would have been for the categories included under existing programs. The cuts would have been broadly distributed. Some of the larger ones, in absolute amounts, would have been: Medicare, $6.3 billion; Medicaid, $2.1 billion; farm price supports, $6.1 billion; general revenue sharing, $4.6 billion; student financial assistance, $1.1 billion; mass transit, $1.3 billion; housing, $1.8 billion; strategic petroleum reserve, $1.8 billion. Much of this expenditure either distorts economic efficiency or transfers income to people who have no legitimate claim to public support.

Some of the cuts in non-defense programs recommended by the President in February have been made by Congress, but most have not. We will reach a solution more consistent with the national security and long-term economic stability if the program includes a tax increase—even though that may involve more total spending.

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The New McCarthyism

William Bradford Reynolds and the Politics of Character Assassination

Adam Wolfson

McCarthyism is back in style in the nation's capital. Thirty-five years ago, Joe McCarthy perfected the politics of character assassination and guilt by association, but today it is the Democrats who have mastered these techniques to obtain their ends. And like Tailgunner Joe, liberal senators ply their trade during Congressional hearings, in which they enjoy considerable immunities. Their main victims have been Reagan nominees, such as Edwin Meese, Kenneth Adelman, and Alex Kozinski. The nominee or witness in the hearing room has none of the legal protections offered defendants in the courtroom. Senators are free to hector, vilify, and distort—with no fear of cross-examination or charges of perjury.

Never was Joe McCarthy's ghost so busy as in May and June 1985, when the Senate Judiciary Committee held hearings on the nomination of William Bradford Reynolds for the post of Associate Attorney General. Reynolds was highly qualified. A 1964 graduate of Yale University, Reynolds attended Vanderbilt School of Law, where he was editor-in-chief of the Law Review. A specialist in anti-trust law, he worked for the prestigious New York law firm, Sullivan & Cromwell, and from 1970 to 1973, he served as Assistant to the Solicitor General of the United States.

In July 1981 he was nominated as Assistant Attorney General of the Civil Rights Division (C.R.D.) of the Department of Justice. He was easily confirmed and, in four years, established a record of vigorous opposition to illegal racial discrimination:

- Under Reynolds, the C.R.D. brought 177 civil rights prosecutions, compared with 167 under Carter.
- Under Reynolds, the C.R.D. filed 53 employment discrimination suits, compared with 51 under Carter.
- Under Reynolds, the C.R.D. participated in 53 voting rights cases, compared with 47 under Carter.
- Under Reynolds, the C.R.D. objected to 110 discriminatory redistricting plans, compared with 26 under Carter.
- Under Reynolds, the Supreme Court upheld 73 percent of C.R.D. positions; the Courts of Appeals upheld 84 percent of C.R.D. positions.

In his years at the C.R.D., Reynolds became the principal promoter of Ronald Reagan's view that anti-discrimination laws mean what they say. In the 1970s, the "idea of equal opportunity got changed in the minds of some to a concept of equal results, and individual rights were translated into group entitlements," Reynolds says. He opposes quotas, busing, and other race conscious policies. Instead, he worked to "achieve a color blind, gender-neutral society."

A majority of Americans, including black Americans, seem to support this vision. A recent poll by the American Enterprise Institute found that only 23 percent of American blacks support "preferential treatment in getting jobs and places in college." Similarly, 53 percent of American blacks oppose busing.

Thus, unlike McCarthy's victims, Reynolds could not be persecuted for his views. After all, his beliefs simply reflect those of the popular President for whom he works. This posed a problem for liberal senators and civil rights lobbyists. "Some of my friends on the committee and some of the civil rights groups wanted to make this [the confirmation hearings] an issue of busing and quotas," Senator Joseph Biden, a member of the Judiciary Committee, explained after the three hearings were over. "I thought that would be a very stupid strategy." Instead, the Democrats used an array of McCarthyite tactics to destroy Reynolds's confirmation.

Going into the first of two hearings, Reynolds had little margin for error. There are 10 Republicans and eight Democrats on the Judiciary Committee. Though Reynolds had eight certain votes for his confirmation, six senators were flatly opposed to him. The fight then focused on gaining the vote of the four swing senators, all liberals: Dennis DeConcini (D-AZ), Howard Heflin (D-AL), Charles Mathias (R-MD), and Arlen Specter (R-PA). Here are some of the McCarthyite approaches used to derail an unquestionably competent Reagan nominee on specious grounds:

Reynolds's hearings were repeatedly delayed and prolonged, creating an atmosphere of suspicion, as well as the opportunity to wear him down.

Nominated on April 29, 1985, Reynolds was scheduled to appear before the Judiciary Committee on May 8, with a

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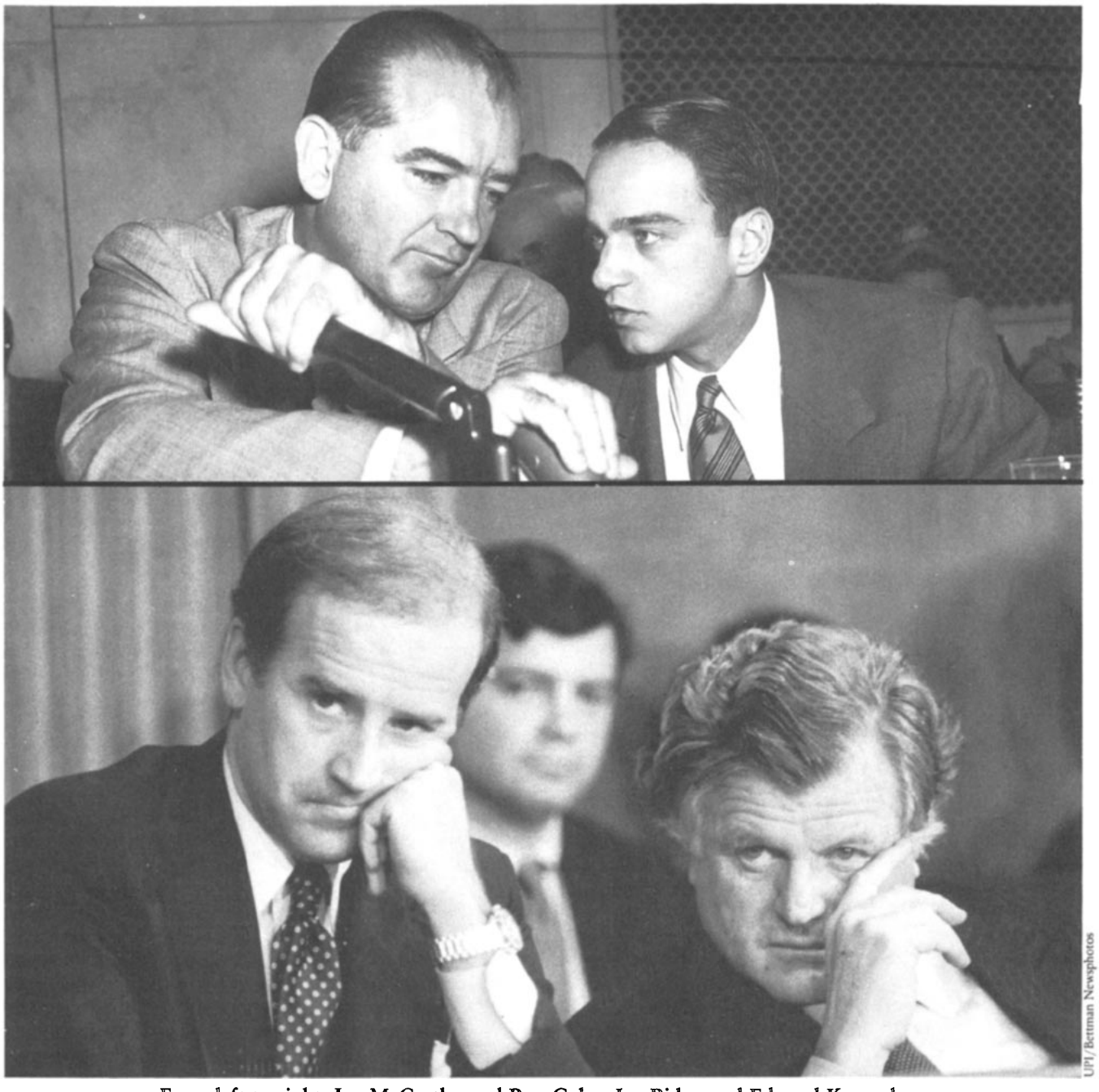

From left to right: Joe McCarthy and Roy Cohn, Joe Biden and Edward Kennedy.

vote within 24 hours. But all eight Democrats on the Judiciary Committee, plus Mathias and Specter, sent letters to Chairman Strom Thurmond demanding a delay in the hearings. The delay gave the civil rights lobby invaluable time to activate their nationwide membership, and to scrutinize Reynolds's four-year record. But more significantly, because a delay is an unusual procedure, it immediately placed Reynolds on the defensive.

Initially, two hearings were scheduled, on June 4 and 5. But the hearings were extended again when Mathias charged that "several significant questions" remained unanswered regarding Reynolds's record. A third hearing was scheduled for June 18, giving liberal senators another opportunity to cross-examine Reynolds. The vote was scheduled for June 20, but this too was delayed another week. As the hearings dragged on, rumors flourished, and the sharks gathered.

False and hyperbolic charges were levelled against Reynolds during the hearings, which the Washington Post *and the* New York Times *dutifully reprinted.*

"You appear to be a decent human being," Senator Howard M. Metzenbaum told Reynolds, but you "come down in some cases on the side of bigots." And later Metzenbaum charged, "We get the feeling . . . you don't [like] blacks." Biden in five minutes reread three times the same racist statement made by a Louisiana state legislator ("we already have a nigger mayor and we don't need another nigger big shot"), seemingly attempting to put the words into Reynolds's mouth. Forgetting that his role was merely to give "advice and consent," Biden referred to the hearing as a "trial."

The director of the Leadership Conference on Civil Rights, Ralph Neas, charged that Reynolds's "rigid right wing ideology has produced extremist policies" and warned that Reynolds was implementing a "second post Reconstruction."

Insignificant incidents were exaggerated and embellished to create the impression of a conspiracy.

Metzenbaum based his charges of bigotry against Reynolds on a 1984 case in Selma, Alabama, in which a polling

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station located in an all-black neighborhood was moved three-quarters of a mile to the city courthouse, situated in a white neighborhood. Finding no discriminatory intent, Reynolds approved the change. It was a close call, and possibly the wrong call, but only in the sense that he showed a lack of sensitivity to the symbolism of Selma.

But Metzenbaum accused Reynolds of "making up fallacious arguments" for approving of the change, and questioned whether Reynolds "disliked blacks." Warming to his subject, he told the committee, "Reynolds stands there and says, 'I'm white,' and turns his back on the blacks," on every civil rights issue. He cited statistics showing that black voter participation had fallen from 55 percent before the change to 36 percent. What Metzenbaum did not tell the committee was that these figures were for different elections.

Questions were asked in an intimidating manner and the witness not permitted time to answer.

Kennedy: "Did you talk to other people?"
Reynolds: "Senator, I talked to a lot of people . . . "
Kennedy: "Can you tell us who?"
Reynolds: "I think on this one, we talked to . . . "
Kennedy: "We [are] going to raise these questions."
Reynolds: "On this . . . "
Kennedy: "Answer the question!"
Reynolds: "I am trying to, Senator."

The witness was trapped into making several minor misstatements of fact and then charged with deliberately misleading the committee.

Biden's strategy of focusing on a hard-to-call voting rights case in Louisiana, *Major v. Treen*, most seriously hurt Reynolds' confirmation chances. In the first hearing alone, Biden spent over an hour asking Reynolds detailed questions on the three-year-old case. Under intense questioning, Reynolds eventually made a factual error—which is exactly what the Democrats needed. In his sworn testimony, Reynolds had told Biden, "I certainly met with Governor Treen. I met with a large number of representatives of the other side from Louisiana. I met with my staff." It turns out that Reynolds never met with representatives on the other side; his staff did. At a later hearing, he confessed, "my recollection . . . failed me." But the damage was done; Reynolds was accused of intentionally misleading the committee under oath.

Reynolds was also accused of misleading Senator Edward Kennedy on two occasions. When questioned about his involvement in several 1983 Mississippi voting rights cases, Reynolds stated, "I talked to the private attorneys that were involved in those suits." It turns out that Reynolds did not speak to private attorneys (plural). He conferred with a private attorney (singular).

Finally, Kennedy accused Reynolds of withholding a memo relating to the Mississippi voting rights case. In fact, the memo in question had been turned over to Kennedy's staff. At best, they simply overlooked it. On the other hand, even after it was clear that Kennedy's staff was at fault, Reynolds was still accused of an attempted cover-up.

These three inconsequential incidents took on tremendous importance. "Nominee Untruthful," read a headline in the *Washington Post*. One of the swing voters, DeConcini, claimed that "out-and-out bold distortions and untruths . . . have been told to this committee."

It was a Republican, Arlen Specter, who achieved the best results with this McCarthyite technique. He alleged that Reynolds "deceived" him in 1982 in regard to the Burke County voting rights case. He erroneously believed that Reynolds did not enter the case due to lack of resources. In fact, Reynolds had clearly stated his decision not to enter was based on the merits of the case. A close reading of the manuscript shows that Reynolds was entirely forthcoming with Specter; the senator had not listened to him carefully and misconstrued his comments. But when asked for an explanation, Reynolds, by the third hearing brow-beaten and tired, apologized to Specter for "leaving that impression" three years ago.

"A major turning point," says one Senate staffer who was present. "You could sense a change in the air." The other three swing voters, Heflin, DeConcini, and Mathias were there to hear Reynolds admit that he had deceived a senator. Reynolds had corroborated Specter's "subjective feeling" that he had been misled, says Specter's chief counsel. Truth is often of little concern in a Senate confirmation hearing.

Reynolds' two-month ordeal ended on June 27. The final vote was 10-8 against sending the nomination with a favorable recommendation to the floor of the Senate, and 9-9 for sending the nomination to the floor without recommendation (a tie defeats a motion).

Reynolds was to remain as Assistant Attorney General of the Civil Rights Division. He was stoic in defeat. Turning to his associate, Charles Cooper, he said, "Let's go. We have a division to run."

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Let Markets Be Markets

How Deregulation Has Strengthened the American Economy

B. Robert Okun

The United States is now entering the second decade of a public policy revolution that is contributing substantially to America's current prosperity. In a total reversal of corporatist policies dating to the New Deal and, in the case of railroad regulation, to the 1880s, the federal government has been getting out of the business of sanctioning and enforcing cartels in such industries as airlines, trucking, railroads, telecommunications, and energy. The result of this deregulation has been to lower prices, improve customer service and choice, hasten technological change in the previously cartelized industries, and to bolster the competitiveness and efficiency of the American economy as a whole.

The deregulation revolution began under President Ford, accelerated under President Carter, and is continuing at an irregular pace under President Reagan. It has been truly bipartisan in sponsorship, and has been supported by three White Houses and five Congresses. Senator Edward M. Kennedy cooperated with Ford Administration officials in championing airline deregulation. Senators Howard Cannon, a Democrat, and Robert Packwood, a Republican, played important roles in deregulating trucking. The academic groundwork was prepared by economists spanning the political spectrum—from Harvard Law School as well as the University of Chicago, from the American Enterprise Institute and Brookings alike.

Roots of Deregulation

One of the first experiments in deregulation came in 1968 when the Federal Communications Commission (F.C.C.) allowed limited competition against AT&T in the sale of non-Bell system terminal equipment. The F.C.C. continued to open up more and more telecommunications services to competition during the mid-to-late 1970s. And in 1980, it permitted AT&T, through a separate subsidiary, to market enhanced services such as its advanced communications system on an unregulated basis.

The most significant transportation deregulation took place during the Carter Administration, when the Civil Aeronautics Board (C.A.B.) and the Interstate Commerce Commission (I.C.C.) began to repeal the rules that set prices, allocated markets, and restricted the entry of new competitors into the airline, trucking, and railroad industries. In 1977, the C.A.B. allowed the first certification of a new airline for interstate travel since the 1940s; it had previously blocked entry by 79 straight applicants. By 1985, the C.A.B. was totally out of business. Today airline entry, fares, and route structure are almost completely unrestricted, though airline safety and access to airport gates are still tightly regulated by the Federal Aviation Administration.

During the Reagan Administration, the F.C.C. has substantially deregulated television and radio broadcasting and computer-related telecommunications services; it has also taken steps necessary to implement the divestiture of AT&T ordered by Federal District Judge Harold Greene in 1982. One of President Reagan's first steps in office was to immediately lift the oil price controls and allocation quotas that had been instituted by President Nixon and were gradually being phased out under President Carter. And in the face of Congressional opposition, especially from midwestern and northeastern legislators, he has been steadily whittling away at the convoluted regulatory apparatus governing the pricing and distribution of natural gas.

The industries experiencing this deregulation have been thoroughly shaken up, with the result that their efficiency and ability to respond quickly to changing technologies and customer preferences have substantially improved. Brash new competitors have revolutionized the transportation and communications industries—from People Express and New York Air in airlines, to Overnight Transportation Company and A-P-A Transport in trucking, to MCI and GTE in long-distance calling and Rolm in telephone switchboards. Obsolete plants and equipment, such as inefficient oil refineries, have had to be closed. And labor productivity has soared, particularly in transportation, as downward cost pressures have forced changes in inefficient work rules and inflexible labor contracts.

The process has been painful for many established companies that depended on regulation for guaranteed markets. Some business giants such as Braniff and Continental

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Airlines have gone bankrupt or near-bankrupt. Dozens of trucking companies have gone out of business. But deregulation has been a golden opportunity both for imaginative entrepreneurs and for their customers. The entire American economy has benefited from lower costs of freight, communications, and energy.

The Price is Right

Dire predictions that costs would rise after deregulation have been refuted in industry after industry. In 1977, for example, Senator George McGovern entered into the *Congressional Record* a statement by Donald Moran, vice president for sales and traffic at North Central Airlines:

> Competition would prompt reduced fares at first, but then fares would return to what they are now because cut-rate competition will have put everyone else out of business. Small carriers will disappear. Big airlines will get bigger. There wouldn't be more competition. There would be less.

What happened was just the opposite. Between 1980 and 1985, 76 major new carriers and 203 commuter lines such as Ransome and Henson entered the industry. Other local service carriers such as USAir and Piedmont were suddenly free to extend their networks. The result was more competition than ever before, with fare wars and massive discounting often initiated by the new entrants. Majors and new competitors alike could survive only by carrying fewer empty seats, making more efficient use of their airplanes, and boosting worker productivity. United and Western Airlines, for example, use their planes 10.5 hours per day, compared with 8.5 hours before deregulation. Airline pilots have had to give up their insistence on three pilots in cockpits designed for two, and the average size of crews per aircraft has declined since 1979 without any sacrifice in service.

Thanks to competition, these improvements in efficiency have been translated into savings for consumers. By 1984, according to the C.A.B., American travellers had saved $3.5 billion on air fares since deregulation. Though short-haul fares between smaller cities rose considerably, the declines in long-distance fares between large cities were even greater. Today travellers can fly from coast to coast for $79. Thomas Moore, currently a member of the Council of Economic Advisers, calculates that the average per-mile airline fare fell by 8.5 percent in real terms between 1976 and 1982, even though the inflation-adjusted costs of air travel (primarily fuel and capital) rose by 15 percent in the same period.

Energy Efficiency

Critics of deregulation were also wrong in energy markets. When President Reagan decontrolled prices for crude oil and refined petroleum products in January 1981, Edwin Rothschild, director of the Energy Action Education Foundation, predicted that rising oil prices would add one percentage point to the rate of inflation. Senator Howard Metzenbaum was even gloomier: "I believe we will see $1.50 gas this spring and maybe before. And it is just a matter of time until the oil companies and their associates, the OPEC nations, will be driving gasoline pump prices up to $2 a gallon."

Fortunately for American consumers, these predictions proved false. Prices did rise initially. But the average price per gallon of leaded gasoline has fallen from $1.31 in 1981 to $1.10 today. The price of crude oil has fallen 20 percent in real terms and continues to decline. The reason is simple. The removal of allocation quotas and the lifting of strict price controls on oil produced by "older" wells, led to an increase in domestic oil exploration and production. Meanwhile, higher prices throughout the world had led both to energy conservation and new oil discoveries and hence to a worldwide glut that progressively lowered prices. After deregulation, U.S. energy producers and consumers were for the first time able to respond quickly to changing market conditions around the world.

The partial decontrol of natural gas, limited to about half of domestic gas supplies, has similarly led to lower prices in defiance of alarmist prophecies. In July 1984, the Citizen/Labor Energy Coalition predicted that real gas prices at the wellhead would rise by five percent in 1985, as the result of the lifting of controls on some gas in January 1985. The Interstate Natural Gas Association of America made a comparable forecast in December 1984.

By March 1985, however, the price paid to producers by interstate pipelines had fallen seven percent in real terms from 1984 levels, and is expected to fall another 10 cents per million cubic feet. In November 1985, the American Gas Association estimated that increased competition among producers and pipelines would reduce gas bills this winter by 8.3 percent over last year.

Keep on Trucking

Some of the most dramatic savings from deregulation have come in trucking, where tariffs must still be filed with the I.C.C. but substantial discounts are now permitted, and truckers have much greater route flexibility for most commodities. In many instances, trucking companies need no longer return from their destinations with empty trailers. No longer must a hauler prove that it will not harm existing firms when it wants to serve a new route. New competitors—the I.C.C. has authorized 31,000 new carriers over the past five years—are taking full advantage of technologies that are dramatically lowering distribution costs: containers that fit on the back of flatbed trucks, fuel-efficient engines, and on-board computers.

Thanks to these changes, the average shippers' discount in trucking since 1980 has been 20 percent off tariff, and discounts are frequently as high as 40 percent. Lever Brothers, the giant consumer goods firm, estimates that its shipping costs have declined by 10 percent in real terms since 1980. And the Intermodal Transportation Association estimates that the American economy is saving between $40 billion and $50 billion a year in logistics and distribution costs as the result of transportation deregulation, as well as improvements in handling inventory.

Telephone Technology

Communications costs, which had already been falling as the result of advances in microwave, satellite, and digital

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switching technology, fell even more rapidly after deregulation. AT&T lowered its long-distance telephone rates by six percent in 1984, its largest decrease in 14 years. Another 5.7 percent reduction followed in June 1985. Price pressure is coming from competitors such as MCI, Sprint, Allnet, and ITT, which are selling long-distance service at prices 12 to 20 percent under AT&T.

Prices for local phone service have been rising as a result of the delayed impact of the inflation of the late 1970s and several pre-divestiture rulings by the F.C.C., which were designed to move the United States toward more cost-based telephone service. However, the residential telephone flat rate for local service still averages $14 a month in urban areas and $10 a month in the suburbs. And for the American economy as a whole, the advantages of competition in long-distance calling and switchboard equipment are dramatic. Americans today can buy wireless telephones, or obtain such features as customized dialing, call holding, and call conferencing. According to the National Telecommunications and Information Administration, the communications costs for a major New York City bank, Irving Trust, have been rising less than three percent annually in the last two years, compared with 15 percent before deregulation.

Railroads are the one deregulated industry where prices have risen. Indeed, without the flexibility to charge higher rates that was granted by the Staggers Rail Act of 1980, a number of railroads probably would have gone bankrupt. But even here, though there are claims of unfairness by some coal shippers and electric utilities, railroads have not raised their prices dramatically. Bureau of Labor Statistics data indicate that rail rate increases, adjusted for inflation, averaged one half of one percent per year from 1980 to 1984, after deregulation, compared with 3.3 percent from 1976 to 1980. Clearly competition from other modes of transportation—trucks, air freight, and pipelines—diminishes the possibility of monopoly practices by railroads in transporting most commodities.

Victory for the Free Market

The decontrol of prices and market entry is consistent with strict enforcement of safety standards, and in fact the safety performance of deregulated industries has been impressive. From 1979 through 1984, 138 Americans died in commercial airline crashes, compared with 206 fatalities from 1974 through 1978, prior to deregulation. Alarms have been raised, however, about the tragic increase in domestic air traffic accidents in 1985—243 through October. Transportation Secretary Elizabeth Dole is planning to add nearly 1,000 inspectors over the next several years in an effort to make sure that the tragedies of 1985 are not repeated.

Decartelization is also consistent with the goal of universal service. Over 10 I.C.C. studies over the past three years indicate that truck service to small communities is at least as extensive as before deregulation. "Lifeline" telephone service at reduced rates has been made available for eligible low-income households. Before divestiture, over 90 percent of American households enjoyed telephone service; the percentage is as high today. And though major airlines have dropped service to 74 communities since deregulation, the total number of departures from these communities rose by 26 percent by 1984 as regional and commuter airlines came in to take advantage of market opportunities.

The American Gas Association estimates that increased competition among producers and pipelines will reduce gas bills this winter by 8.3 percent over last year.

Deregulation has been so advantageous to Americans that other countries are beginning to follow the U.S. lead. Canada is aggressively decontrolling oil and natural gas prices. Last year, Great Britain denationalized its telephone system, as institutional investors and the general public were permitted to buy stock in British Telecom. Although the telephone system is still a monopoly, strict regulations governing the supply, installation, and maintenance of end-user equipment have been relaxed. Modern digital switches have been installed, fiber optics has been introduced, and the average Briton can now choose from a variety of new products such as cordless phones and computer networks.

Japan's businesses are putting strong pressure on their government to privatize the Nippon Telegraph and Telephone Company, and to allow more competition in long-distance services and data processing networks. The Japanese businesses want communications costs as low as their American competitors. There is similarly growing pressure in Europe to deregulate airline fares that cost about twice as much per mile as in the United States.

Economic deregulation is the first major victory of free market economics in American public policy, and it sets an important precedent. Since the New Deal, economic advances in the United States have been equated with bold government initiatives. The spectacular benefits of deregulation have shown the progress that can come from reducing government's role rather than enlarging it. By liberating price controls and permitting competition, the deregulation revolution has allowed entrepreneurs to find the most profitable ways of serving customers.

Tax cuts have been given much of the credit for the Reagan economic boom that has led to 10 million new jobs for Americans over the last three years. But much of the credit also belongs to a quieter 10-year-old revolution known as deregulation.

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TIP'S ICEBERG

The Emerging Democratic Leadership in the House

BENJAMIN HART

When House Speaker Thomas P. "Tip" O'Neill retires in 1986, an era for the Democratic Party will come to an end. Already there is a rowdy scramble among House Democrats for the top leadership positions. It is important to understand the personalities involved in the fight to control the House, because they are likely to exert a powerful influence in shaping the future of the majority political party.

Jim Wright

Jim Wright, the bushy-eyebrowed Texan who has held his Majority Leader post in the House for almost 10 years, has already announced that he has enough commitments from his colleagues to be elected Speaker of the House after Tip O'Neill's departure. History should give him solace: the House Democrats have not turned down a Majority Leader's bid to become Speaker in recent times.

But ever since the ousting of Richard Nixon and the advent in Congress of the class of 1974, nicknamed the "Watergate Babies," the Democratic Party, especially in the House, has careened left. Stephen Solarz and Thomas Downey of the New York delegation are unbending opponents of President Reagan's defense policy. Michael Barnes of Maryland has become a relentless critic of the Nicaraguan freedom fighters. Henry Waxman and Howard Berman, unswerving liberals from Hollywood and Beverly Hills, vote almost reflexively for defense cuts and the abandonment of America's allies. "We were the children of Vietnam, not the children of World War II," says Tim Wirth of Colorado. None of these people, temperamentally or philosophically, could be considered "Jim Wright" Democrats.

Wright was an ardent supporter of Richard Nixon's Vietnam War policies, something which does not sit well with the post-Vietnam generation in the House. He created more problems for himself in 1983 by voting for funds to deploy the MX missile, and later for a large increase in aid to the government of El Salvador. He was also one of the senior counsellors to the Kissinger Commission on Central America, and signed the final report, which calls for more U.S. military aid to the El Salvador government in its effort to defeat the Cuban-backed guerrillas seeking to supplant the Latin American democracy. The post-Vietnam Democrats are not amused. Californian Tony Coelho, for example, chairman of the Democratic Congressional Campaign Committee (D.C.C.C.) is an outspoken critic of Wright, saying the Democrats need a "more modern, forward-looking image," which means a more appeasement-oriented approach to foreign policy.

Soon after Wright's vote in support of the Reagan Administration on the MX, freshman Congressman Jim Bates (D-LA) insisted on a meeting of the Democratic Caucus to determine what was wrong with their Majority Leader. Consequently, Wright voted against the MX when it came up again in 1985, explaining, "I'm just re-examining my priorities." In addition, Wright signed the notorious "Dear Commandante" letter to Daniel Ortega, denouncing Reagan's policy of supporting the Nicaraguan contras. In 1984, Wright was a key player in getting the House to cut off aid to the anti-Sandinista forces. In a televised Democratic response to the President's State of the Union address, Wright also assumed an uncharacteristically vitriolic pose, blasting the economic recovery as illusory, and blaming President Reagan for the national debt, farm problems, small business bankruptcies, and bank failures.

This is the tale of a moderate, perhaps even a conservative on national security issues, who has been driven by the dynamics of Democratic House politics to the left in order to preserve his front-runner status for the Speakership. As recently as 1981, the Americans for Democratic Action (A.D.A.) index of votes rated Wright as reliable from a liberal perspective only 30 percent of the time, scoring most of his points on domestic spending. In 1982, it was 55 percent, and by 1983, 70 percent.

Although often demagogic in manner, Wright is not really an ideologue. He's a political operator, who will shift his philosophical profile to suit political circumstances. As a member of the Texas legislature in the 1940s, for example, he was part of a small coterie of Texas liberals whose impassioned speeches against the state's oil industry earned them the label, "The Russian Embassy." Faced

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with what looked like certain defeat, Wright changed his tune. "I believe in the soundness of States' Rights," he wrote in the local paper. "I believe in the Southern tradition of segregation." He lost the election anyway.

He slowly regained his personal esteem by serving as mayor of the tiny town of Weatherford, Texas, and arrived in Congress by ousting a segregationist Democrat. He then voted against the 1964 Civil Rights Act, although he now votes for any bill with the words "civil rights" attached to it. For 22 years, Wright served on the Public Works Committee, the perfect place for him to practice his favorite brand of politics: pork barrel.

He is a tireless promoter of federal water projects. One example is the Trinity Water Canal, which cost $860 million to build, and now brings boat traffic from the Gulf of Mexico to Fort Worth, in Wright's district. He got the project through, despite objections from the chief pork barreller himself, Lyndon Baines Johnson. Wright fought Jimmy Carter tooth and nail to maintain a long list of water projects the President was determined to eliminate.

Wright is a strong advocate of defense spending—if it's spent in Fort Worth. He lobbied intensively for the TFX fighter plane, produced by General Dynamics, the chief employer in his district. Without Wright, there may have been no synthetic fuels program. Perhaps envisioning more pork barrel opportunities, he says occasionally nice things about the President's Strategic Defense Initiative.

Entering late in a bitterly contested three-way race, Wright won his Majority Leader's post in 1976 by a single vote. His campaign consisted mainly of helping his colleagues get public works projects for their districts. Since 1977, he has worked tirelessly for O'Neill's job, showing up in hundreds of districts and raising millions for his fellow Democrats in the House.

Although Wright has O'Neill's nod for the position, the two men couldn't be more opposite in style and temperament. It's the difference between a Southern drawl and a New England twang, between Texas oil and blue-collar Boston. While O'Neill likes to play poker and sit around bars with his pals, Wright appears close to no one.

The stumbling blocks to Wright's ascendancy are that he may not be ideological enough for many younger House Democrats elected after Watergate; and that the election is conducted under a secret ballot, making verbal commitments to Wright unenforceable. As Minority Leader Bob Michel put it, Wright has some of the style of a "snake oil salesman." "I'm cautious about Wright," said one Democratic House member. "People really don't know where he's coming from. We knew where Tip was coming from all along."

Les Aspin

Les Aspin, six-foot-two and balding at 46, stunned the House of Representatives by leapfrogging from seventh in seniority on the House Armed Services Committee to displace the 80-year-old Melvin Price as chairman, despite intense lobbying from O'Neill. Aspin's victory was a remarkable display of political clout on the part of "Young Turk" liberal Democrats, who thought Price was too old and too hawkish on defense issues to continue as chairman.

"The House of Representatives has knocked out a guy who supported defense for 40 years and put in someone who represents the anti-defense Democrats," said Samuel Stratton (D-N.Y.), expressing anger that Price had been pushed out in favor of Aspin. "If the Democratic Party wants to continue to lose elections, this is the way to do it." In 1983, Aspin voted to bar U.S. aid to the contras, and voted the same way again in 1984. His A.D.A. rating in 1983 was 80 percent; in 1984 he scored 75 percent on the liberal scorecard.

Wright blasted the economic recovery as illusory, and blamed President Reagan for the national debt, farm problems, small business bankruptcies, and bank failures.

But in early 1985, Aspin made the transition from boisterous Pentagon critic to supporter of the White House bill to deploy 21 MX missiles. "His friends and philosophical soulmates were really mad at him," said Thomas Downey. "He would not now be chairman except for the votes of a lot of us who believed he would vote against the MX," said Howard Wolpe (D-MI). "Les sat down beside me in the Democratic Caucus and said he was opposing the MX." Despite these complaints, Aspin is confident the MX vote will soon be forgotten: "Over the long haul, the liberals are going to find that I'm much more with them than not," he says.

Aspin also voted in favor of $2 billion for the administration's Strategic Defense Initiative. However, a top staffer of his, Lou Finch, wrote a memo to Aspin on June 14, 1985, outlining for the Armed Services chairman a step-by-step plan to undermine the President's program. The Democrats on the Armed Services Committee, Finch suggested, are far more conservative than the Democrats in the House as a whole. Finch went on to identify Aspin's plan to work in committee to reduce the administration's funding request for S.D.I. by $1.2 billion, and then work for further cuts on the House floor where the political climate would be more amenable.

After winning his Congressional seat by running on a platform opposing American involvement in Vietnam, Aspin successfully fought for a seat on the Armed Services Committee. In 1973, he irritated then-chairman of the Armed Services committee, F. Edward Hebert, a pro-defense Democrat, by successfully offering a floor amendment to cut the Pentagon's authorization by four percent. Later that year, Aspin caused a stir by blasting the Navy for a bureaucratic snafu in building a ship. Hebert told Aspin to "put up or shut up." Two years later, Aspin led a coup to oust Hebert in favor of Melvin Price, himself a subsequent victim of Aspin's political gamesmanship. During the 1984 Christmas break, Aspin campaigned around the clock

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for the committee chairmanship, making more than 700 phone calls, and gained the support needed for victory.

A Rhodes Scholar with a Ph.D. from M.I.T., a former economics professor at Marquette University, and an economist in the Pentagon during the Johnson Administration, Aspin's legislative maneuvering and guerrilla war tactics against his fellow Democrats indicates that he is no academic fuddy-duddy. In fact, he's happiest when in the midst of a rough political pit fight.

Tony Coelho

Twenty-one years ago, Tony Coelho contemplated suicide. A graduate of Loyola University in Los Angeles, he had made the decision to become a Catholic priest. But he was turned down because he had severe epilepsy, which disqualified him from being ordained. Coelho's condition so embarrassed his family that he was not welcome home. It is an old superstition in the Portugese community (from which Coelho hails) that epilepsy is God's punishment for the sins of an ancestor.

Coelho left home, and for a time entered the ranks of the homeless, living without shelter on the streets. "It was the worst time of my life," recalls Coelho, now 43. He was found on the streets of Los Angeles by the Jesuits, who got him a part-time job with comedian Bob Hope. Fond of the distraught youth, Hope took him under his wing and got him some medication that brought his epilepsy under control. After many long talks, Hope was able to restore Coelho's sense of self-worth. The comic suggested that Coelho think about politics as an alternative vehicle to help people. He went to work in Washington for Representative B.F. Sisk (D-CA). When Sisk retired in 1978, Coelho ran for his seat and won.

Coelho, however, quickly got himself into political hot water. In 1980, the son of one of Coelho's major financial backers brutally murdered a young retarded man. David Weidert and an accomplice tortured the victim with lit cigarettes, beat him with a baseball bat, and made him dig his own grave before burying him alive. The victim was apparently going to testify against young Weidert in a burglary case.

The murderer's father, John Weidert, who had contributed the maximum amount allowed by law to both of Coelho's campaigns ($1,000), as well as raising thousands for Coelho from other sources, appealed to the young congressman to help his son. Coelho wrote the judge in the case and asked that David Weidert not be given the mandatory life sentence. Coelho argued that he had been rehabilitated since the crime. The judge ignored Coelho's advice, but the local paper published the letter, to Coelho's intense political embarrassment.

Nevertheless, that same year, Coelho, having shown himself to be a fundraising prodigy, was elected chairman of the Democratic Congressional Campaign Committee (D.C.C.C.). He raised $5.7 million in 1981-82 and $11 million in the 1982-83 election cycle, far exceeding the $1.8 million figure raised by his predecessor.

Coelho's fundraising techniques have drawn criticism from some of his colleagues, who feel that he may be compromising Democratic principles in his enthusiastic wooing of corporate PAC money. Example: in 1983, the head of Connell Rice and Sugar Company, a major contestant in a long battle for a $62 million sale of California rice to Korea, donated $50,000 to the D.C.C.C. at the same time that Coelho was actively pressing the Reagan Administration to award the contract to Connell.

Coelho is always among the top Congressional recipients of PAC money, raking in approximately $500,000 between 1978 and 1982, according to studies published by Ralph Nader's Congress Watch. He routinely votes and lobbies for special interest legislation that causes price increases for consumers. One of his votes, had the bill passed, would have caused the cost of beer to rise. Another would have made it harder for individuals—but not companies—to declare bankruptcy. A third would have excluded doctors from Federal Trade Commission guidelines and restrictions. Coelho strongly supports farm subsidies, especially for dairy products, peaches, livestock, and wine—staples of his district's economy.

Coelho may be the most disliked Democrat among Republicans because of his penchant for hardball politics and nasty comments about the other side. After the first Reagan-Mondale debate, for example, Coelho told the press that the President "looked old and acted old." When asked by one reporter if the President "acted doddering," Coelho answered, "Well, he didn't quite drool," an odd comment in light of Coelho's own history.

But few can deny Coelho credit for the success of the House Democrats in a decade dominated by President Reagan. In 1982, the House Democrats picked up 26 seats on the Republicans, and in 1984 Coelho helped contain Democratic losses and minimize the coattail effect of President Reagan's re-election.

Coelho has elevated his own position within the party structure by publicly threatening to quit as chairman of the D.C.C.C. unless the Democratic leaders granted him a formal role in their daily strategy meetings on legislation and policy. Recognizing his importance to their campaign operation, they admitted him. Coelho is is now considered a leading candidate for the number three post in the House, Majority Whip. "I don't know if I'll wind up pope, president, or poor," he says. Look for him where the money is.

Thomas Foley

Within a few days of O'Neill's announcement that he would retire in 1986, Thomas S. Foley, the 21-year veteran congressman from Spokane, Washington, called every single House Democrat to inform them that he wanted a promotion—from Whip to Majority Leader. But this is about as obtrusive—and lively—as he gets.

Many of the younger Democrats complain that Foley isn't partisan enough to merit the party's most partisan job. They say they need a Majority Leader who stands in staunch opposition to the Republican minority, so that the Speaker is free to appear dignified and above the fray. Foley, though, is unwilling to take public positions at the start of most policy debates. This may stem in part from his earlier desire to become a judge, a job that requires dispassionate objectivity. He has the annoying habit, say some of his colleagues, of making extremely cogent and powerful arguments in favor of the opposition's bill, and then inexplicably voting against it.

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He also has a tendency to throw cold water on the enthusiasm of activists with his less-than-rousing estimates of his party's ability to defeat the White House. Regarding one Reagan initiative to aid the contras, for example, Foley offered the following prognosis: "I don't think the funds are going to be released," he said. "But it's going to be a very close vote, and I don't want to ever be accused of underestimating the President." And at another point, he said, "We generally share the same goals" as the administration. "We're talking about peace in the region and the development of stable relations between the states, development of economic programs and democratic institutions"—the kind of rhetoric that causes his younger, more ideological colleagues to wince.

As party Whip, his job is to count votes and stir enthusiasm among members on his side of the aisle. But then he often apologizes for Democrats who go astray on crucial votes. "In either party, on any issue, " he says, "the members of Congress have to make up their own minds . . . getting tougher isn't the right thing we need to do."

Negotiation and accommodation are Foley's style, trademarks that make many wonder how he rose to such a high post in today's Democratic Party. He is most comfortable, in fact, when agreeing with the administration. O'Neill, understanding his aversion to controversy, asked Foley to make the case on national television in favor of the administration's 1982 proposal to increase taxes, one of the few White House initiatives backed enthusiastically by the Speaker. Foley performed superbly, urging colleagues to summon all their "political courage" to support the administration's bill, which most liberals endorsed anyway.

Foley's A.D.A. rating, though, was a solid 85 percent in 1983, and 80 percent in 1984. Straying momentarily with Jim Wright in 1983 to vote in favor of the MX, the Democratic Caucus has since pulled him back into line. He has voted against it ever since. The man wants to be Majority Leader, and he has no serious contenders for the post, at least until the post-Watergaters can recruit a feistier candidate.

Richard Gephardt

Richard Gephardt is a practical man in search of a philosophy. He has seen what cutting tax rates can do for one's political fortunes, and so has teamed up with Senate Democrat Bill Bradley to put forward a supply-side, tax-cutting program of his own. Mondale was buried after promising to raise taxes—so clearly that isn't the way to go.

But Gephardt doesn't seem to completely understand supply-side theory, which is not merely a program to cut tax rates, but a general economic approach to clearing obstacles to production. He fought President Reagan's decontrol of natural gas, and has generally opposed White House initiatives aimed at deregulation. He also opposed indexing tax rates and spending cuts designed to reduce the size of government and increase private-sector responsibilities.

Elected in 1976 from his St. Louis district—no liberal stomping ground—Gephardt takes with him none of the ideological fervor of other members of the post-Watergate gang. In fact, he often draws skeptical gazes from his colleagues for supporting school prayer, a constitutional amendment to restrict abortions, tuition tax credits for private schools; and opposing gun control and extending the ratification deadline for the Equal Rights Amendment. His A.D.A. rating fluctuates wildly between 35 and 85 percent, suggesting ideological uncertainty. Gephardt hopes to stumble upon a formula that works.

Gephardt's doubts about the old Democratic approach come in part from his stint as an alderman in St. Louis, where he saw the inner city decline rapidly, despite Great Society programs. Elected to the Board of Aldermen in the early 1970s, he saw a modest urban revival when he and other "new generation" Democrats offered tax incentives to businesses which elected to stay in the city. "When you see that certain policies just aren't working," says Gephardt, "you have to question some of their underlying assumptions. It's just a question of pragmatism."

When he launched his campaign for the position of chairman of the Democratic Caucus, the fourth-ranking party post in the House, Gephardt began holding meetings with young Democrats, usually off Capitol Hill, to plan his campaign. These meetings often turned into forums for bashing the House leadership—O'Neill's and Wright's names being the most frequently mentioned. Gephardt was elected chairman without a fight, as his principal opponent, David Obey, dropped out of the running a year before the vote.

The old line leadership of O'Neill and Wright are suspicious of "new generation" Democrats like Gephardt who have already gone a long way toward replacing the tightly controlled seniority system with a "juniority" system, diffusing power among hundreds of subcommittees and, in effect, giving the young members an equal shot at the important assignments. For example, Gephardt, along with a cabal of other young legislators, helped defeat an effort by the old guard that would have allowed Budget Committee chairmen to serve six-year terms, instead of two, as is the case now. The effect was to prevent Jim Jones from continuing as chairman, and paving the way for the younger, and far more liberal, Bill Gray, to take over the committee.

Good-looking, clean cut, a former Eagle Scout, Gephardt is a made-for-television candidate. The difference between the New Dealers and the crowd that arrived in the 1970s, according to one O'Neill aide, is that "Tip looks at a bill, and his first question is, 'Is it fair?' I think this group asks, 'will it sell?'"

Dan Rostenkowski

The machine politician from Chicago, Dan Rostenkowski, has labored hard to counter President Reagan's ongoing efforts to simplify the tax code, eliminate deductions, cut marginal rates, and make it more fair. The tough-talking chairman of the powerful House Ways and Means Committee has, at last, produced a bill, which he calls "tax reform." His plan would also cut the top tax rate on individuals—from 50 to 38 percent, compared to 35 percent under the White House proposal. While President Reagan's plan seeks to be "revenue neutral," however, Rostenkowski's bill appears calculated to bring more

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money into the federal Treasury. Rostenkowski's bill differs significantly from the administration's plan in that it reduces savings incentives, raises the cost of capital and investment, and would make the tax code even more complicated. This suggests Rostenkowski was serious when, after the Democratic National Convention, he said, "There is this dirty little secret that everyone in Washington, except President Reagan, is in on. We all know that he's going to have to raise taxes."

Rostenkowski lost badly to President Reagan over the tax issue in 1981. He had expected to negotiate a deal with the White House to get something less than Jack Kemp's three-year across the board tax cut. But when President Reagan's aides counted up the votes, they found they didn't need Rostenkowski's help. They went around him to the Boll Weevil Democrats, formed their own coalition, and put their bill forward.

There is nothing Dan Rostenkowski would like more than someday to be mayor of the Windy City—except, perhaps, Speaker of the House.

Rostenkowski, an old-style horse trader, was furious that he was cut out of the talks, and wrote his own tax plan. He even put some "sweeteners" in his bill: tax breaks for oil companies to lure some southern Democrats, and other business-oriented exemptions. He came under criticism from House liberals for loading on the special-interest goodies. "Look," he replied, "I want a tax bill that can win. I don't do anything that I don't fight to win and I never started a fight that I don't fight to win." He lost. The House voted for the Reagan bill, 238-195.

He's been aching to get back at the White House ever since, and it's the general feeling that Rostenkowski is using the tax reform issue, Round II, to settle some old scores with the President.

He has spent the last three years consolidating power on his committee. He convinced O'Neill to stack Ways and Means with 23 Democrats and only 13 Republicans—a larger Democratic majority than overall House numbers would justify. Rostenkowski has also reconfirmed the loyalty of each Democrat on the committee. If the House approves his tax plan, he has thus set the stage for dominating the House-Senate conference, where the final version will be written. It is thought that Rostenkowski will have no difficulty outmanuevering Bob Packwood, the new chairman of the Senate Finance Committee, who leads a divided Republican team.

Dan Rostenkowski owes his political life to the machine of Mayor Richard Daley. Having served in the Illinois State Assembly, where he dutifully did the mayor's bidding, he was promoted in 1958 to the U.S House of Representatives—in the classic manner of Chicago politicos—by Daley himself. It's an easy way to campaign. Rostenkowski recalls: "I convinced Mayor Daley we ought to send young people to Congress so we could have a crack at the committee chairmanships that always seem to belong to the South." Rostenkowski became Daley's principal spokesman in Washington. He always grew testy at the implication that he was Daley's pawn. "The problems in my district are the same as Daley's problems for Chicago," he told a *Chicago Tribune* reporter in 1964. "There's no conflict."

"Can you see yourself defying him?" the reporter asked.

"If you could make the argument that he was advocating bad policy, he'd listen," Rostenkowski answered. "It's unfair to call him a dictator."

Along with the mayor, Rostenkowski consistently supported Nixon's Vietnam War policy—that is, until Daley changed his mind and called for a U.S. pullout. "Rostenkowski, frequently the spokesman for Mayor Daley in the House, denied there was any relationship between his new position on the war and a speech Daley made in Chicago Friday," was how the *Chicago Tribune* put it.

Rostenkowski accepted his seat on the Ways and Means Committee, not because of any interest in writing tax law, but because it made committee assignments for the rest of the House.

For two decades Rostenkowski used the committee for Daley's patronage work. Then Daley died, and Ways and Means was stripped of its duties of assigning committee seats; machine politics ended for Rostenkowski. He emerged as chairman of the committee, replacing Al Ullman (D-OR), who was taken out of politics by the first Reagan landslide.

Circumstances dictate that the Ways and Means chairman take at least some interest in tax policy—and so Rostenkowski has. He now views tax reform as his vehicle to the top of the Democratic ladder in the House. Says one Republican who serves on his committee, "What you have to understand about Danny is that he doesn't care about the tax code. What he cares about is control and political power. He's in control of this issue now, and he's going to use it to gain power."

He has already made it clear to his colleagues that he doesn't want to remain in Congress if Jim Wright becomes Speaker. "I came here in 1958," he said, "and I've been here a long time. I'm a Chicagoan. The kids are gone. Laverne [his wife] is home alone. It's maybe time for me to do something else, while I'm still young enough to do it." There is nothing Danny Rostenkowski would like more than someday to be mayor of the Windy City—nothing, that is, except, perhaps, Speaker of the House.

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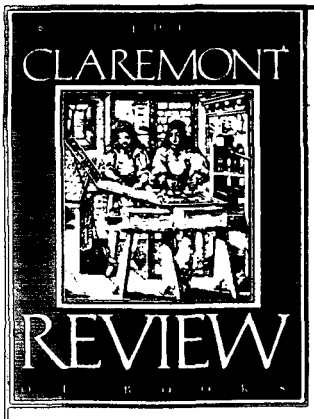

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LAWYERS ON TRIAL

How to Take the Profit out of Suing

GORDON CROVITZ

As difficult as it may now be to believe, the American legal system was once the envy of the world. The Constitution guaranteed a strong and independent judiciary that protected citizens from abuses of power by the government. The common law civilized Americans' dealings with each other. Agreements were sacred and negligent activity was punished. The law was generally predictable and most Americans, with the notable exception of blacks, perceived the rules as fair. Lawyers were held in high repute. Alexis de Tocqueville pointed to the special role of attorneys as guardians of the American political order: "The people in a democracy do not distrust lawyers, knowing that it is to their interest to serve the democratic cause, and they listen to them without getting angry."

As recently as 1931, Judge Learned Hand could tell the graduating class of the Yale Law School that they would be servants of their society, reflecting its values. "Despite its inconsistencies, its crudities, its delays, and its weakness, the law still embodies so much of the results of that disposition as we can collectively impose. Without it, we cannot live; only with it can we insure the future which by right is ours."

But in the past half century, the legal system that was supposed to redress wrongs has become an arena where injuries are inflicted. Over nine percent of obstetrics/gynecology specialists gave up their obstetrics practice in 1983, chiefly because they were unable to find or afford the skyrocketing malpractice premiums.

Last year, insurance premiums for Michigan day-care centers rose an average of 400 percent because of the publicity surrounding a few sex-abuse cases. One center in Washington State has to pay a 500 percent premium increase, even though it had had no claims in 10 years. Entire local governments in California, Kentucky, Massachusetts, Florida, Maryland, and New York have left office because the town could not afford liability insurance, due to rising litigation costs and settlements. Meanwhile, ambulance chasers fly to Bhopal to talk rural Indians into putting themselves at the whim of the delay-filled and unpredictable U.S. legal system.

Everyone has favorite horror stories of lawsuits where the legal system is on one side and justice is on the other.

- Thousands of pregnant women are suffering from morning sickness because the drug Bendectin is off the market. Its maker, Merrell Dow Pharmaceutical Company, could no longer afford the cost of product liability suits alleging the drug caused birth defects, although the safety of Bendectin had been repeatedly upheld by major medical journals and the Food and Drug Administration.
- In May 1984, seven chemical companies paid $180 million into a fund for veterans for alleged injuries by Agent Orange—even though the judge presiding over the case found "no factual connection of any substance between the disease and the alleged cause."
- In 1983, the City of New York paid $650,000 to Milo Stephens, a mental patient, who had tried to commit suicide by jumping in front of a subway car in 1977. Mr. Stephens survived, though he lost an arm, a leg, and part of the other arm. He then sued the city, claiming that the subway driver should have stopped sooner. The city settled, figuring that it was safer to pay the $650,000 than to risk losing much more in court.
- In California, a man was injured when a drunk driver lost control of his car, veered into a parking lot, and crashed into a telephone booth where the man was standing. The man sued the companies that had designed, installed, and maintained the booth. In 1983, Chief Justice Rose Bird of the California Supreme Court held that these companies could be held liable for the injuries.

One result of this degradation of the law is that law-abiding citizens are demoralized by the unpredictable and often unreasonable rules of behavior under which they must live. We see a chilling effect on investigative reporters fearful of libel suits, and on doctors, manufacturers, and any defendant unlucky enough to face the choice between settling out of court or risking the possibility of huge punitive damage awards. Litigation thus poses a much greater cost on society than the two percent of the gross national product we spend directly on lawyers. The fear of lawsuits

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poisons Americans' relationships with each other. Even the family has been affected, with husbands and wives increasingly signing pre-nuptial contracts to protect themselves against the capriciousness of divorce courts. In at least one case, a son sued his father and mother for parental malpractice. And one man collected $4,000 from his brother for being called a "dirty louse."

Litigation Explosion

The amount of lawyering has increased as our respect for the law has declined. There are now 650,000 practicing lawyers in the United States, twice the number of a decade ago. By 1990, there may be more than 800,000. Between 1960 and 1983, the number of cases filed in the federal courts more than tripled to 280,000 from 80,000. The number of courts of appeals cases rose to 30,000 from less than 4,000.

Changes in jurisprudence are responsible for much of this litigation explosion. Activist judges have defined an increasing number and variety of "rights"—a minor student's right to a due process hearing before he can be suspended from school; the right of mental patients to "least restrictive care" and so on. Activist judges seem to have particularly soft hearts for the most hardened criminals.

Drug-runners, for example, have benefited greatly from the expansive view of rights under the Fourth Amendment's search and seizure rules. Federal courts in New York and California ruled in the early 1980s that dogs would no longer be allowed to sniff for drugs at area airports. The problem, as one court put it, was that the "molecules of contraband emanating from the interior of the luggage are so subtle and incapable of human perception . . . that a canine's detection of them constitutes an intrusion into the owner's privacy." In another case, a prisoner claimed a constitutional right to cable television in his cell. A federal district court upheld his claim, which was later reversed.

Litigation has similarly been encouraged by the transformation of standards of liability. The law of personal injury—torts—is unrecognizable from just a generation ago. The rule until recently was that a defendant had to be negligent to be held liable for damages. Now "absolute" liability prevails in some states: a defendant may be liable even if his responsibility for an injury is tenuous. Gun manufacturers in Maryland have recently been found liable for wounds caused by shootings. This expansion of liability may be motivated by the desire among courts and juries to pick the deep pockets of corporate defendants. The effect is to make litigation more attractive.

The law is growing ever more complex. And complex laws, as University of Chicago law professor Richard A. Epstein noted in the *Wall Street Journal,* mean more litigation.

> Complex rules necessarily confer a large measure of discretion upon those who enforce and interpret the law, thereby increasing the level of uncertainty and error when the rule is honestly applied, and the level of uncertainty and error when the rule is dishonestly or incompetently applied . . . Error, uncertainty, and abuse reduce the level of welfare of the people who must learn to adapt to that complex regime, and increase the likelihood that they will struggle to beat the system by finding gaps and glitches in the system.

"My ex-wife is bringing a class-action suit against me on behalf of ex-wives everywhere."

Drawing by Handelsman, *The New Yorker,* 1984.

Finally, changes in the process of litigation have created incentives to sue and go to court even where there is no reasonable case to be brought. Undoing these changes, and reducing the incentive to sue, is perhaps the best way to restore balance to our legal system and to eliminate unnecessary litigation.

Here are four reforms for Congress, the states, courts, and bar associations that would reduce the amount of unfair litigation, make the law more just, and renew confidence in the legal system.

1. Force the Losing Party to Pay the Legal and Court Fees of the Winning Party

Perhaps the most glaring injustice in the legal process is how lawyers are paid. Under what is called the "American rule," both sides pay their own lawyers. In contrast, Western European countries follow the "English rule," which forces the losing party to pay the winner's legal bills, as well as court fees. It is no accident that Europe has avoided the American litigation explosion, or that England has only 40,000 solicitors and barristers; Washington, D.C. alone has 25,000 lawyers, or one for every 65 people.

The justification for the English rule is simple: it is unfair

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to make the winner, plaintiff or defendant, pay huge legal fees to vindicate his rights. Adopting the English rule would also have beneficial side effects. People would be less litigious, hesitating to run up huge legal bills out of fear that they would have to pay twice the costs of litigation. And fee-shifting would discourage frivolous "nuisance" claims that are brought in the not-unreasonable hope that the defendant will settle out of court rather than risk the high cost of litigation. The English rule is also more fair to poor litigants who, if successful, do not pay any legal fees. Even European public interest lawyers agree that it would be a mistake to give up the English rule. "If the rule were abolished," one wrote, "there might be many cases in which the plaintiff would decide not to sue simply because a substantial part of his possible damages would be swallowed up in lawyers' fees. The game might then not seem worth the candle."

The United States originally followed the English rule; statutes requiring the losers to pay were on the books well into the 1930s. But by now the rule has withered away. One explanation for the disappearance is that lawyers disapproved of the old system: a litigant will be more generous toward his lawyer if he doesn't risk also having to pay the other side's lawyers.

Some U.S. statutes do shift legal fees, but these are not designed to make litigation more fair or to reduce the amount of litigation. On the contrary, these "one-way" fee shifting statutes have the effect of adding a burden to defendants and encouraging more lawsuits. Some 130 federal statutes force a losing defendant to indemnify the legal costs of a winning plaintiff, but do not require a losing plaintiff to indemnify a winning defendant. Congress wanted to encourage certain kinds of litigation, such as civil rights cases. The curious underlying principle is that the government pays to get itself sued. In 1984, the U.S. government paid $429 million to plaintiffs.

The results of one-way fee shifting are legendary in the legal community. In a recent case, a federal judge awarded one of New York's biggest law firms $62,000 for getting their "pro bono" client an award of $2,500. The plaintiff said the New York City police had used excessive force in arresting him after a high-speed chase. The Supreme Court is reviewing a case where the lawyers were awarded $250,000 in fees for getting their clients $33,000.

2. Make the Litigants Pay the Cost of Using the Courts by Imposing User Fees

People do not hesitate to drive along city streets, but expensive tolls for highways and bridges make them think twice. Courts are now like freely accessible streets; there are no user fees. But for civil suits between two private parties, there is no apparent reason why the general public should pick up the bill. If, as in a recent case, Coca-Cola bottlers object to the price of Diet Coke syrup, they have every right to sue to discover the costs of the ingredients and get a federal judge to order that Coke turn over its secret formula. This is a business spat between well-heeled companies that have no claim to be subsidized by the nation's taxpayers. Why not have the parties—at least ones who aren't poor—pay a fee for using the courts? This would deter frivolous cases, thus reducing the amount of litigation. It would also support the fairness principle that citizens should pay for the public goods (court costs) they use.

The idea of a user-fee system is hardly a modern innovation. Colonial courts charged stiff fees, and English courts still charge for all court costs except the judge's salary. Indeed, the principle that the users of the courts should have to pay for the privilege has never been officially abandoned in the United States. There are still statutes in every state and in the federal rules demanding payment of fees for using the courts. The problem is that many of these statutes are outdated, with the real value of the fee a fraction of the current cost of administering the system.

The federal courts cost $1 billion a year to run. Litigants are required only to pay a $60 filing fee. Assuming that even this modest sum is paid for all 250,000 civil suits filed each year (the sum is waived for indigent plaintiffs), only $15 million is raised, just 1.5 percent of the federal judicial budget. In contrast, some states run surpluses by charging user fees meant to cover the full costs of the system. Not surprisingly, these states do not have the case backlogs of states that charge only nominal fees.

User fees in the federal courts and most states would have to be raised substantially to begin cutting back on litigation subsidy. The RAND Corporation's Institute for Civil Justice estimated in 1983 that the cost of administering the average tort case was $1,700. In tort cases where a jury was involved, the average case cost $9,200, not including the personal costs to the jurors. The more complicated kinds of jury cases cost an average of $15,000. In 75 percent of jury trials, the average cost of processing the case is more than the amount at stake between the parties.

Raising court fees would have many advantages. People would be less likely to bring frivolous cases if required to pay significant filing fees. Economy would be served by lifting the judicial budget burden on taxpayers. And in cases where the legal fee isn't worth the amount at stake, parties will be more likely to use alternative dispute resolution systems like small claims courts, private tribunals, or even to work out their disagreements by themselves.

3. Join the Rest of the Civilized World in Outlawing Contingency Fees and Class Action Suits

In oral argument before the Supreme Court last spring, a lawyer explained that his clients in a case against a large oil company were organized as a class action suit to protect the rights of people with small claims. Justice William Rehnquist cut in, "How does it protect them to have their claim adjudicated?" The lawyer said, "It gets your claim heard. These are small claimants and they're not going to be able to get the claim heard." Justice Rehnquist was skeptical. "I can see how the rule gets you more plaintiffs," he said. "I can't see how it protects people."

This exchange points to the distasteful problem of lawyers stirring up cases that should never have been brought. Common practices like contingency fees and class action suits are outlawed in the rest of the world as contrary to the public interest, and branded as the criminal acts of champerty, maintenance, and barrotry. These techniques amount to lawyers acquiring someone else's legal right to

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sue. This was originally also against the law in the United States. In 1920, the Supreme Court held that contingency fees were clearly improper. "While recognizing the common need for the services of agents and attorneys in the presentation of such claims and that parties would often be denied the opportunity of securing such services if contingency fees were prohibited," Justice Brandeis wrote, "Congress has manifested its belief that the causes which gave rise to laws against champerty and maintenance are persistent." A U.S. Court of Appeals in the 1930s repeated the warning against the then-developing champerty by way of the contingency fee, predicting it would invite "officious intermeddlers . . . stirring up strife and contention by vexatious and speculative litigation which would disturb the peace of society, lead to corrupt practices, and prevent the remedial process of law."

Contingency fees and class action suits are relatively recent additions to legal procedure. Both began to sneak into the legal system in the 1930s and 1940s, when Congress stopped passing bills to outlaw them. Contingency fees are now usually used for personal-injury cases, with the lawyer getting up to 40 percent of the damage award (plus costs) if he wins the case or nothing if he loses. Although no figures are kept on how much legal work is done by contingency fee, it is clear that almost all mass tort and "consumer interest" cases are contingent.

Class action suits were originally conceived as shareholder derivative actions, where people with exactly the same claim against a corporation banded together to share expenses and avoid duplicative litigation. Now, however, looser standards mean that people with widely differing interests in the litigation can still be certified by judges as a class.

The class action system invites abuse. In products liability cases, plaintiffs who suffered severe losses are joined by those who suffered little or no injury. In the asbestos litigation, for instance, no plaintiff got more than a few thousand dollars; everyone got something, but the seriously injured were undercompensated while others were overcompensated.

Class action suits are particularly inappropriate when they are used to alter social policy. In the 1970s, class action suits were the main method for forcing desegregation of schools through busing, even though opinion polls showed that most blacks opposed forced busing.

Why is the United States alone in allowing these financing techniques for litigation? One historical explanation is the unique discretion the organized bar associations have over court procedure. The class action rules of civil procedure, for example, were written by a bar committee and approved by a judicial committee, but have never actually been approved by Congress, which is charged by the Constitution with regulating the courts. These rules of civil procedure have the legal authority of, say, an innovative law review article, but are treated by lawyers and judges as the law of the land.

In the United States, going to court has become not so much a necessary evil as just another industry. But something critical to our idea of rights has been lost: the fact that only individuals have a moral and political claim to rights; they can resort to law if necessary to protect these rights by hiring lawyers. Contingency fee arrangements change the right in question from one of the individual citizen to one jointly possessed by the plaintiff and his lawyer. The lawyer, who has a clear financial interest in what the plaintiff gets, decides whether to settle or litigate. Not only are some cases litigated that should be settled because the lawyer wants to go for the big damages award, but often lawyers actually drum up plaintiffs who had no intention to sue.

Common U.S. practices like contingency fees and class action suits are outlawed in the rest of the world as contrary to the public interest.

No case illustrates the champerty abuses better than the Agent Orange litigation. This defoliant, used in the Vietnam War to rob the Communists of their jungle cover, became a household word when a team of lawyers began to appear on television to tell of the illnesses vets suffered because of the dioxin-like ingredient of the spray. The publicity led about 120,000 vets to sign up as plaintiffs after being contacted by the lawyers. The class action suit was filed against the chemical manufacturers of Agent Orange in the federal courts, with the lawyers working on a contingency-fee basis. The companies, accused under the murky product-liability law, faced possible damages in the billions. They did the only prudent thing. They settled the case, pledging $180 million.

Trouble is, the plaintiffs' lawyers had no case to bring. The lack of any bona fide claim for damages became apparent when the plaintiffs' lawyers asked federal Judge Jack Weinstein for $26 million as their share of the settlement. His response is a sharp indictment of the legal system: "I'm not going to reward attorneys for bringing a case that had no merit . . . Given the fact that I find and have found that you've shown no factual connection of any substance between the disease and the alleged cause, I do not believe it desirable to encourage cases like this." He gave them only part of what they requested.

However, the class action, contingency fee system was a complete failure. Not only did apparently wholly innocent chemical companies pay a huge extortion to avoid the vagaries of a trial, but the lawyers, Judge Weinstein suggested, did "more harm than good in exciting a lot of unnecessary fears." And in the end, no veteran wound up with more than a couple of thousand dollars "compensation," a fraction of the amount earned by any lawyer.

Congress and the state legislatures should consider ways to replace contingency fees and class action suits by other techniques that are more consistent with the notion that legal rights belong only to individuals and acknowledge

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that government-run courts cannot be regulated solely by lawyers. Worthy cases should get their days in court, with any damages going to the parties, not the lawyers.

4. Abolish Punitive Damages Except in Cases of Intentional Injury

One of the greatest incentives to sue is the widespread awarding of punitive damages, another recent addition to the American legal system. Originally reserved for punishing heinous intentional torts like assault or for punishing defendants who try to conceal their tort, punitive damages are now regularly demanded in every area of law.

In considering abuses of punitive damage claims, keep in mind that the key function of torts is to allocate the risks of accidents in such a way that people do not cause unreasonable risks to others. The idea is that the right amount of deterrence is produced by forcing a negligent injurer to make good his victim's loss. If defendants must pay more in punitive damages, too much will be spent on preventing accidents. We could all, for example, drive 25 miles per hour; this would reduce fatal accidents, but at an unacceptable cost to society. Similarly, too much caution implies an inefficient legal system.

A good example is the recent medical practice of "defensive medicine." Doctors face possible multimillion dollar punitive claims for "pain and suffering" from malpractice suits. Many doctors defend themselves by running unnecessary and expensive tests just to protect themselves from possible litigation. The immediate result of this, of course, is higher medical costs.

The American Medical Association estimates that the average number of malpractice claims filed per 100 doctors rose from five in 1975 to 16 in 1983. Forty thousand claims were filed in 1983, triple the 1975 number.

The average settlement was $5,000 in 1970, $26,000 in 1975, and is now $333,000—$650,000 in California, where the plaintiff need not prove the defendant acted negligently. (The California legislature has since put a cap on the amount a lawyer can make in a contingency fee malpractice suit.)

Punitive damages have occasionally boomeranged against the lawyers who worked to expand their application. In 1980, an Ohio jury awarded $2.35 million to a plaintiff in a legal malpractice case. The lawyers failed to refile a products liability and negligence case arising from an auto crash. The jury decided that if the accident case had gone to court, the plaintiff would have received $2 million in punitive damages. The jury assessed the lawyers this $2 million on the ground that the plaintiff couldn't collect against the auto company. This bizarre result illustrates how far we've come in undermining the original deterrence purpose of punitive damages. The lawyers were told to pay the amount that was supposed to deter product negligence, while the auto company paid nothing and so went undeterred.

The United States should adopt the European actuarial-table approach. Juries are told simply to find whether there has been injury and to indicate a range of the harm. The award limits are set by legislatures, so that similar injuries get similar damages. Maximum limits are also set, so that the legal system is not used as a playing ground for fortune hunters.

Time for Change

Who will defuse the litigation bomb? Not the lawyers, for whom litigation is, after all, livelihood. Even the out-of control contingency fees and class action suits seem beyond reform through the lawyers' self-regulatory system. And to be fair, the American Bar Association has little incentive to reform the legal system when those at the pinnacle of American law, the justices of the Supreme Court, seem to give little thought to the abuses that have over time crept into the law. The Supreme Court itself is guilty of acting as if there are no costs to litigation, as if all cases deserve equal attention, and as if any economizing may be for others, but not for lawyers.

If the lawyers and judges can't solve the litigation problem, who can? For one, Congress, which is charged with regulating the federal courts. So can the state legislatures, which control state legal procedure. Leadership can also come from the Justice Department. Eliminating abusive, costly litigation is a natural goal for an administration committed to the opportunity society.

The alternative to reforming the law is more demoralization. It is time to return to the legal system that Judge Learned Hand could so highly praise only 50 years ago: "The best of man's hopes are enmeshed in its success; when it fails, they must fail; the measure in which it can reconcile our passions, our wills, our conflicts, is the measure of our opportunities to find ourselves." ☎

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Alms Buildup

Why the Reagan Years are Good for Charity

James Keller

In 1981, President Ronald Reagan called voluntarism "an essential part of our plan to give the government back to the people," and announced, "With the same energy that Franklin Roosevelt sought government solutions to problems, we will seek private solutions." This was one of the clearest, most basic tenets of Ronald Reagan's conservatism: individuals have the primary responsibility to take care of their needy fellow citizens. They would be charged with filling the gap left by reduced social programs.

The evidence shows that Americans responded quickly and decisively to meet the need. One doesn't hear it very often, but the last five years have been a time of unprecedented giving by individuals, foundations, and corporations. The perception of a conservative tide characterized by selfish egoism is refuted by data showing that Americans are giving and volunteering in greater numbers and to greater degrees than at any point in our nation's history.

Despite the increased giving, some charitable organizations are critical of the Reagan Administration because President Reagan cut a number of wasteful federal subsidies to these groups. And not all the increased private giving is going to the charities that suffered govenment cutbacks. Many individuals are finding new avenues—mostly churches—to administer the social services they wish to see provided. The result is that several groups previously dependent on tax subsidies now watch their federal dollars dry up and the budgets of other, entirely private, charities soar.

The Reagan years have been good for giving. In 1980, total giving in the United States stood at $49 billion and was falling steadily as inflation soared. By contrast, giving has increased steadily in real dollars throughout the Reagan Administration. In 1984, total giving was over $75 billion dollars—up more than 50 percent over 1980.

The Carter years were disastrous times for private giving. According to John J. Schwartz, president of the American Association of Fund Raising Councils (A.A.F.R.C.), "we lost ground which we will never regain." If a more liberal era indicates more compassionate times, those who receive charitable gifts wouldn't know it. Because of double digit inflation, charities barely broke even, with an average real increase of less than one percent per year. Real giving actually decreased in 1978, 1979, and 1980.

After that, the pattern was reversed. Charitable giving rose at almost 11 percent per year and inflation averaged less than five percent per year, so charities have seen real increases in giving averaging more than six percent per year. And the trend is accelerating; in 1984, real giving increased more than eight percent. America's tax-exempt organizations are seeing the fruits of economic recovery in the form of increased private funding.

Economists find the increased giving under President Reagan puzzling because the President's tax cuts were suppposed to increase the price of giving. As rates fall, the value of each charitable deduction decreases. To someone in the 50 percent bracket, for example, a one dollar gift only costs 50 cents. If the tax rate is cut to 25 percent, the same gift now costs 75 cents.

In 1982, 1983, and 1984, the average top marginal rates fell from 28 to 23 percent, and the highest rate was cut from 70 to 50 percent. Because charitable deductions were now less valuable, especially for upper-income givers, the real cost of giving went up. If, as Harvard economist Lawrence Lindsey insists, "the price elasticity of giving is greater than one," we should have seen a corresponding decrease in giving. Besides, Ronald Reagan's economic program was supposed to generate self-interest, which would inhibit voluntary giving.

In fact, none of these predictions came true. Giving continued to increase in each of the Reagan years, breaking new records and, in 1984, reaching its highest level as a percent of GNP since 1972. Giving surged in 1981, presumably as the affluent took advantage of the bigger deductions while they still could. But despite the recession, giving increased even faster in 1982 and 1983. The level of charitable donations under President Reagan is especially impressive because for the past two years charitable deductions have had to compete with the attractive Individual Retirement Accounts, which are also deductible.

The notion that tax rates determine giving levels persists, however. Economists have sounded a pessimistic note

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about the proposed tax legislation. And many charities accept their analysis, so much so that this fall Girl Scouts lobbied against the bill on Capitol Hill.

The experts are predicting a disastrous impact on charitable giving if the Treasury II bill passes in the form the President has proposed. In October 1985, Lawrence Lindsey told members of Independent Sector, a group of nonprofit organizations and philanthropists formed in 1980 to reverse the tide of decreased giving, that Treasury II would cost charitable organizations $11 billion in 1986. He cited three main factors: the above-the-line charitable deduction for those who do not itemize would be eliminated; more people would become non-itemizers as a result of simplification; and lower tax rates would make gifts more expensive even for those who continue to itemize. But this prediction flies in the face of the data about giving under the Reagan Administration.

To hear the stewards of our nations' charitable resources maintain that the better part of giving is the ensuing tax break is especially distressing. Unfortunately, those most closely tied to our nation's charitable impulse do not have a more gracious view of why people give. And it is ironic that many of the same charities that vigorously opposed much of President Reagan's economic program are suddenly embracing a supply-side theory of charity, examining the effects of high marginal tax rates in terms of price theory. Former United Way spokesman Steve Delphin went so far as to argue that if Treasury II were to become law, "Most of our contributors will become non-itemizers, with little or no incentive to give."

But the evidence of the past few years shows that charity is a special thing, which blissfully ignores the rules of economic forecasting. Ernest Miller, director of the Salvation Army's national public affairs office, is far more optimistic about why people give. And the historical record supports his opinion that people generally "don't give for tax considerations."

It is true that giving at upper income levels seems to have been affected by lower taxes. But the wonder of American philanthropy is that it is so thoroughly democratized. The mention of philanthropy tends to conjure images of enormously wealthy foundations, corporations, and individuals making huge gifts. In America, individuals of modest means do most of the giving.

Ninety percent of all giving in this country comes from individuals, the rest from foundations and corporations. Of this, nearly half comes from individuals in families earning less than $30,000 per year. And four-fifths of all giving comes from individuals with household incomes below $50,000. Perhaps most surprising is the fact that the poor, people with incomes between $5,000 and $10,000, contribute two and a half times as much of their income as people with incomes between $50,000 and $100,000. Certainly these poor, many of them paying no taxes at all, are less sensitive to tax considerations. For the most part, a one dollar gift by someone making $5,000 a year is a one dollar gift—deductibility will not affect the "real cost."

Charity is a function of the heart and not the tax deduction. Philanthropy was doing very nicely in America before the federal government, in its munificence, decided to tax people and thereby provide the need for deductions. Alexis de Tocqueville was impressed with America's philanthropic spirit in 1831—long before there was a federal income tax.

If tax laws do not account for the fact that individual giving in 1984 was at its highest level as a percent of personal income in 15 years, what does? One rather obvious answer is the level of disposable personal income. If economics affects giving, it is disposable income more than marginal tax rates that seems to matter. This is the view of Don Henry, vice president for fundraising at the American Cancer Society. While it "may or may not be attributable to Ronald Reagan, the fact that inflation is down has increased our revenues," Mr. Henry said. United Way's acting director for public relations Pat McClenic points out, "when you have more, you tend to give more."

In 1984, total giving was over $75 billion—up more than 50 percent over 1980.

Another reason for the regeneration of America's philanthropic spirit, leaders of charitable organizations stress, is the attitude of optimism and hopefulness in America today. Says Kathy Carroll, public relations director for the Salvation Army, "when the economy is doing well, people are more likely to be willing to contribute because they feel better about the future." They are "less likely to save their money to protect against economic setbacks," she said. According to the 1985 edition of *Giving USA*, last year's "record giving was reflective of the confidence of consumers in their own economic futures and the continued rebounding corporate profits." Pat McClenic expresses the sentiment of many charities: "These are good times, despite the media."

But the most overlooked explanation for the uninhibited charity of the past five years is also the simplest: President Reagan asked people to give. In a not particularly innovative fundraising technique, Ronald Reagan called upon the American people in 1981 "to capture that spirit of generosity that suffocates under heavy taxation and bureaucratic red tape." A recent Gallup poll found that the single greatest reason that people give is because someone asked them to. Presumably the most common reason for not giving is that nobody asked.

In the last analysis it may be this communal imagery of neighbor-helping-neighbor—an image often derided as foolishly nostalgic—that has been the greatest boon to charity. A United Way spokesman observes that "people are getting back to basics." Mr. Schwartz echoes these sentiments: "People are more participatory. They have been persuaded that their help is needed."

In Harold J. Seymour's classic fundraising guide *Designs for Fundraising*, he writes, "No campaign ever failed because too many people say no, they fail because not enough people are asked." Perhaps the conservative genius was in the asking. ☎

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TENNESSEE

Industrial Renaissance

EDWARD J. WALSH

Americans who worry about the future of the nation's manufacturing base might take a look at the economy of Tennessee under its governor, Lamar Alexander. The three largest industries of the Volunteer State—textiles, clothing, and chemicals—have been deeply hurt by import competition and together have lost more than 27,500 jobs since 1981. Yet despite these troubles, the state has enjoyed a net gain of 36,000 manufacturing jobs since the beginning of 1983. Unemployment has fallen from more than 14 percent in February 1983 to 7.1 percent in September 1985.

Tennessee received considerable publicity last July when it won perhaps the most sought-after industrial investment in American history. Thirty-eight states competed for the production site of General Motors' new Saturn subcompact—a manufacturing complex that will employ 6,000 workers, with another 20,000 jobs to be created by suppliers, and which will involve an estimated investment of $5 billion. The Ohio legislature recruited thousands of schoolchildren to write letters to GM chairman Roger Smith. Missouri placed billboards along Detroit highways. Nineteen governors visited GM headquarters to plead the merits of their states. Lamar Alexander made no such pilgrimage. Yet GM announced it would build the car in Spring Hill, a tiny community 30 miles south of Nashville.

The Saturn plant is only the most dramatic symbol of the Volunteer State's industrial renaissance. Bendix opened an auto parts assembly plant in Gallatin last July; it will employ 200 people. Control Data is building a $10 million office complex in Chattanooga to offer business services to entrepreneurs. Sundstrand, a leading maker of hydraulic power systems, will establish a new operation in Selmer in west Tennessee. More than 22,000 new jobs were created at 109 new manufacturing facilities and 253 plant expansions in 1984. The first half of 1985 saw another 96 expansions and 50 new plants.

For much of its history, Tennessee was known as a state of backwoodsmen and hardscrabble farms, and its poverty in the 1930s led to Franklin Roosevelt's creation of the Tennessee Valley Authority (T.V.A.) to provide the region with federally subsidized electricity. In the decades after World War II, the state attracted textile mills, shoe factories, and other low-wage plants employing unskilled and semi-skilled labor, many of them transplanted from the Northeast. A high-tech corridor between Oak Ridge and Knoxville also began to develop, encompassing the Oak Ridge Nuclear Laboratory, the T.V.A., and the University of Tennessee, and drawing on the skills of 2,000 scientists and engineers. Today, 27 percent of the state's work force is employed in manufacturing, compared with 19 percent nationwide.

The present wave of industrial investment represents yet another evolution of Tennessee's economy. Using the catchphrase, "Tomorrow's jobs at today's values," Governor Alexander has turned the state's emphasis away from low-wage production. Instead, since becoming governor in 1978, he has transformed Tennessee into a mecca of entrepreneurial energy that blends high technology with traditional manufacturing, especially in durable goods. He has achieved this through a policy combination of low taxation, rising educational standards, and aggressive recruitment of new investment, especially from overseas.

Courting the Japanese

A major element in Tennessee's economic renaissance has been Governor Alexander's successful courting of Japanese firms. In the years 1974-1980, Tennessee was a low sixth of six southeastern states in growth of foreign direct investment. But by 1985 Tennessee had attracted 13 percent of all Japanese direct investment in America, more than any other state. Thirty-two Japanese companies now manufacture in the state, including Nissan (trucks and subcompacts), Toshiba and Sharp (color TVs and microwave ovens), Bridgestone (tires), and Matsushita Seiko (ceiling fans). Together they have invested $1.1 billion in the state, and employ 7,000 Tennesseans. Soon they will be joined by Komatsu, the world's second-largest maker of earth-moving equipment, which will be building its first U.S. plant in Chattanooga.

Like most manufacturers that locate in the Southeast, the Japanese desired a low-tax, weak-union environment. Tennessee has preserved its historic credentials on both counts. "No tax is a good tax," says Governor Alexander. The state boasts the lowest per capita tax burden in the Southeast, with state taxes amounting to only five percent of personal income in 1984. Spending has similarly been

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Lamar Alexander is taking Tennessee's turnaroud in stride.

kept under control, although the state's budget surplus ($124 million in Fiscal Year 1985) may soon erode as the result of a court order to reduce overcrowding in its prison system. Governor Alexander has felt compelled to propose a five-cent increase in cigarette taxes to help finance new prison construction, but to achieve greater cost-efficiency, he is also considering turning prison management over to a private company, the Corrections Corporation of America, based in Nashville.

In seeking investment, Governor Alexander proudly points to Tennessee's right-to-work law, which prohibits compulsory union membership. Like much of the South, the state is generally inhospitable to union organizing campaigns. Unions won only 246 of 623 certification elections, or 39 percent, from 1979 to 1983. During the same period, organized labor lost 63 percent of 61 decertification votes.

But Governor Alexander learned that Japanese executives of both service and manufacturing firms want more than pro-business state and local governments anxious for jobs. They are also looking for down-home values of integrity and reliability and a work force deeply rooted in its community. So he has also stressed the strong sense of history and place in Tennessee, a state whose citizens revere their heritage (Governor Alexander is himself a seventh-generation Tennessean), where every county has at least one Civil War monument and every high school student knows of his state as home to three Presidents. Like no other Americans, Tennesseans identify themselves as from "east," "west," or "middle," and with their home county, as if the geographical references convey the deeper essence of who they are.

There is another element to this localism and sense of history—a deeply inbred mistrust of change that has helped consign the state to the economic backwardness that afflicts much of the rural South. Illiteracy, underemployment, and rural poverty are the consequences of traditionally undernourished school systems, and today only 55 percent of the state's labor force are high school graduates. While courting Nissan and other Japanese firms, Governor Alexander realized that a new manufacturing environment in Tennessee required a work force better trained for industrial jobs than the generations of unskilled and semiskilled workers who toiled in textile mills and other low-wage factories.

His solution has been an ambitious program to elevate the quality of Tennessee's schools. To boost morale among teachers, he has introduced substantially higher pay for "master teachers" who remain in teaching for 13 years and excel in examinations and peer reviews. Schools will be expected to teach every child basic computer skills by the ninth grade, and math and science requirements for high school graduation have been raised. It is an expensive program, and in 1984 the state legislature appropriated $1 billion for three years to improve the school system. But Governor Alexander thinks it is a necessary investment.

The business culture Governor Alexander is advertising to potential investors is thus a new blend of traditional cultural values and old-fashioned boosterism, complemented by high technology and better education. The strategy has worked in some parts of the state better than others. Unemployment in the Nashville area is only 4.3 percent, but it exceeds 20 percent in two rural counties (11 counties had 20 percent or higher unemployment rates in 1983). And the state is still vulnerable to fluctuations in the business cycle: the number of manufacturing jobs declined in 1985, though the loss was much smaller than the remarkable gains of 1983 and 1984.

Alexander's Ragtime Band

Lamar Alexander, 45, is a moderate Republican in the tradition of former Senator Howard Baker, whom he served as a legislative assistant in the late 1960s. He returned to Tennessee to manage the gubernatorial campaign of Winfield Dunn, who became the state's first Republican governor in 50 years. After trying unsuccessfully to follow Mr. Dunn as governor in 1974, Mr. Alexander was elected in 1977 after a campaign against Knoxville banker Jake Butcher that included walking 1,022 miles across the state, wearing a red plaid flannel shirt, and accompaniment at rallies by an "Alexander's ragtime band" of washboard bangers. The campaign suggested a touch of Jimmy Carter populism, at least as much as could be detected in a Vanderbilt-educated lawyer from east Tennessee. Mr. Carter had carried the state by a huge margin in 1976.

Governor Alexander also credits President Carter for advice he gave at a White House dinner in 1978. "Go to Japan," he told the nation's governors, who were worried about import competition. "Make them build it here."

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The approach has worked so well for Tennessee that Governor Alexander recommends it for the entire nation. "We have two choices," he says of regions with troubled industries. "Straight-out protectionism, which means we can't compete; or we can shape up for world competition by letting the states create a good economic environment. Protection is narrow and defeatist, the approach of the Labour Party of Great Britain. I think we're better than that. A new trade policy would begin with getting our house in order. That means better management, new labor agreements, and education, including the teaching of foreign languages. Congress could help by cutting our $200 billion budget deficit."

Mr. Alexander is sensitive to pressures from Tennessee companies facing foreign competition. He points out that he complains about Japanese non-tariff barriers to Tennessee-made goods on his visits to Tokyo—he has made seven. But he declines to criticize President Reagan's refusal of import relief to the shoe industry, although Tennessee is the nation's fifth-largest shoe-producing state. "A lot of families are hurt by jobs lost to cheap foreign shoes. As a start, we've got to do more to help train those people for new jobs. That's difficult, but not unusual, since about 10 percent of all Tennessee's workers take a new job every year anyway."

Governor Alexander's economic success tags him as a political comer. A week after the Saturn announcement, he was elected chairman of the National Governors Conference. As his second and final term draws to a close in January 1987, there is speculation that he will either accept the presidency of the University of Tennessee or run for the Senate against Democrat James Sasser. He is also sometimes mentioned as a candidate for Vice President.

In the meantime, Tennessee is showing the world that American manufacturing is still strong and vigorous. And the resiliency of its economy should give inspiration to other regions whose most important industries have similarly fallen on hard times. ☎

Massachusetts

Swamp Politics

John Gizzi

All too often, well-intentioned environmental regulations end up damaging, not protecting, environmental values. A case in point involves an unsightly swamp in southeastern Massachusetts, where a developer's proposal to build a shopping mall and simultaneously invest in improved environmental conditions is being derailed for political reasons by the regional office of the Environmental Protection Agency (E.P.A.).

Legislation enacted in 1977 to protect America's wetlands arose out of public concern that these valuable resources were disappearing. Wetlands make an important contribution to our ecosystem. They act as pollution filters for the purification of contaminated surface waters; as recharge areas for the protection of groundwater supplies; as storage areas for flood control; and as habitat for a wide variety of fish and wildlife, such as ducks and geese. But from the 1960s to the mid-1970s, uncontrolled business and residential development resulted in the needless destruction of thousands of acres of valuable wetlands. Other wetlands were deteriorating, in some instances drying up, as a result of natural succession—with no money and no plan for enhancing and saving them. The enactment of the Clean Water Act of 1977, especially its Section 404 dredge-and-fill program, was aimed at bringing this situation under control.

But as so often happens in government, the purposes of regulation are quickly subordinated to ideological pressures, commercial interests, and political favoritism. In the case of southeastern Massachusetts, environmental groups, and an E.P.A. regional administrator have been willing to sacrifice the quality of wetlands for the sake of a larger political agenda—undermining President Reagan's environmental policy. And they have joined in an unlikely alliance with special business interests, using environmental laws to keep out business competition.

The case concerns a two-year effort by the Pyramid Companies to improve a region's wetland resources while developing a regional shopping mall in Attleboro, Massachusetts. Pyramid is the largest shopping center developer in the Northeast, having built 38 shopping centers throughout New York and New England. Pyramid's efforts have created more than 11,000 jobs and over $5 million in local tax revenues. Existing Pyramid projects generate a total of more than $500 million dollars in retail and service industry sales annually in the frost belt.

The company has built a reputation for responsible development. Pyramid's track record includes the development of 10 super-regional enclosed malls in harmony with some of the strictest environmental laws in the nation. A recent example is Pyramid's Crossgates Mall, just outside of Albany, New York, where the company built a one million square foot facility in upstate New York's valued "Pine Bush" area, home to the endangered Karner Blue butterfly, as well as successfully dealing with complex traffic and water quality issues. The mall opened with a March 1984 ribbon-cutting ceremony, during which Henry Williams, New York State Department of Environmental Conservation Commissioner, applauded Pyramid's efforts to protect the environment. In Utica, New York, the company improved a degraded wetland area and created a new 150-acre wetland wildlife refuge which was deeded to the town of Kirkland to remain wild forever.

As Pyramid's New England development partner, John Bersani, put it, "Our philosophy is simple. Plan a project so that an area's environmental quality and its economic vitality can co-exist. With today's technology, there's no need to compromise the environment in the name of progress."

John Gizzi *is a political reporter for* Human Events.

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In December 1983, Pyramid purchased an 80-acre site in Attleboro, Massachusetts for the construction of a shopping mall that would create 3,500 new jobs, over $1 million in new municipal tax revenues, and $425 million in economic growth for this relatively distressed region. The site, wedged between highly trafficked Interstate 95 and two major state highways, is in a densely urbanized area.

Wetlands or Dump Site?

The problem? Fifty acres of Pyramid's 80-acre shopping center site are legally and scientifically considered "wetlands." These wetlands, however, are highly degraded and dysfunctional. The U.S. Army Corps of Engineers determined that the wetlands were "low value," noting that illegal dumping has occurred in the area for many years. Today, Sweeden's Swamp, as it is known locally, is strewn with rubbish, old tires, mattresses, and other solid wastes. It even includes a makeshift tennis court. There is no sign of meaningful wildlife. At most, some snakes and common squirrels inhabit the area. There are no fish in the stream. Neighbors consider Sweeden's Swamp a community embarrassment, a hazard, and a dump site.

Despite the insignificant ecological value of Sweeden's Swamp, Pyramid has worked hard to put together a development design that not only protects the swamp's existing value, but improves it. The plan was developed over a two-year period with input from local, state, and federal regulators. Pyramid will create more than 26 acres of high quality wetlands habitat on-site as part of the shopping center project. In addition, over 35 additional acres of valuable wetland will be created in a nearby abandoned gravel pit which has almost no environmental value in its present condition.

The result: an 11 acre increase in the region's wetland inventory (50 acres of low value swamp today, 61 acres of quality wetland after project construction) and a dramatic increase in the quality of those wetlands. Fish, birds, migratory waterfowl, and other wildlife would be attracted to the area for the first time ever. The Massachusetts Department of Environmental Quality Engineering, staffed by appointees of Democratic Governor Michael Dukakis, found that construction of the Pyramid project would enhance, not harm, the environment.

Having obtained all necessary permits and approvals and with more than $9 million of capital at risk, Pyramid and the City of Attleboro thought they were finally on their way to an improved environment and productive shopping mall. Inexplicably, however, the entire project is being delayed and impugned by Michael Deland, the Reagan-appointed administrator for Region I of the U.S. Environmental Protection Agency. Despite the best efforts of Pyramid to satisfy Deland's escalating demands, he refuses to clear a project that is not only an economic boon, but also environmentally beneficial.

When Deland said Pyramid's environmental protection plan was insufficient, Pyramid responded by agreeing to create 35 additional acres of quality wetland off-site. When Deland questioned the technical feasibility of creating the new wetlands, Pyramid thoroughly researched the subject and uncovered hundreds of successful wetland creation projects throughout the United States and Canada, some of which were funded by the E.P.A. and the U.S. Fish and Wildlife Service. Pyramid even found an E.P.A. handbook on the subject. When Deland still expressed skepticism about the plan, Pyramid agreed to post a $1 million performance bond to insure the success of the wetland replication. Pyramid even offered to build the new wetland first—not simultaneously, but first — and have the new wetlands' viability verified by an expert panel before turning a shovel of dirt at their shopping center site. The offer made the project environmentally "risk-free"—if the new wetland doesn't work, Sweeden's Swamp never gets touched and the status quo is maintained. The offer would cost Pyramid over a year in lost time and $6 million in added project costs. Deland dismissed the offer.

Praise for Pyramid's efforts to improve the environment have come from numerous figures who are not by any calculation soft on developers. Congressman Barney Frank (D-MA) said:

> I very much hope that the decision of the administrator will be to allow this project to go ahead, subject to reasonable conditions such as those that have been put forward by the applicant. I have looked long and hard at the arguments of those who are opposed. I have not seen from those in opposition specific assertions of harm that will come from the building on Sweeden's Swamp, except for those who believe that in principle we are never to build on any wetland anywhere, any time, any place.

Attleboro mayor Brenda Reed commented, "Pyramid proposes the creation of an off-site replacement wetland in what is now a gaping gravel pit. Families could fish, canoe, watch birds in those wetlands, things they could never do in Sweeden's Swamp."

Roderick Gaskell, former director of the Massachusetts Division of Wetlands and Waterways Regulation added:

> I determined that the Pyramid proposal was a good one, that it would protect and in many instances improve Sweeden's Swamp, and that a permit should be issued. In my opinion, the Pyramid proposal will result in a gain for the environment.

Mr. Gaskell is the same man who rejected as environmentally insensitive a number of construction proposals of previous developers. William Mautz, Ph.D., wildlife biologist and professor of wildlife biology at the University of New Hampshire noted, "I found the net impact of this development tremendously positive."

These arguments were persuasive to the U.S. Army Corps of Engineers, a sister agency of the E.P.A., which approved the Pyramid project. But invoking an unusual and rarely used "veto" proceeding to put a hold on the Pyramid project, E.P.A.'s Deland claims the project might have "unacceptable adverse effects on . . . wildlife habitat." This claim flies in the face of evidence that the existing swamp is in fact a dumping ground that provides almost no meaningful wildlife habitat. That fact, together with Pyramid's "no-risk" offer to build a high quality replacement wetlands first, makes it difficult to understand Deland's opposition.

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Deland argues that the Pyramid shopping mall could be constructed on an "alternative" site, thereby eliminating the need to fill any portion of Sweeden's Swamp. This argument raises some interesting questions.

Back-Door Regulations

The so-called alternative site is three miles north of the Pyramid site on a secondary highway. The site has poor major highway access and visibility, which is why Pyramid rejected it. It is controlled by one of Pyramid's competitors in the development industry, New England Development Company, which has had a lock on shopping center development in the area, and would like to see Pyramid kept out of this lucrative marketplace. N.E.D. is providing financial, legal, and lobbying help to some of the environmental groups trying to thwart the Pyramid project.

Deland's "alternative site" argument is inconsistent with the E.P.A.'s own regulations, which state that an area not presently owned by a permit applicant can only be considered a practicable alternative if "it can be reasonably obtained." It must be for sale, and for a reasonable price. The New England Development site is not for sale, and in fact has been tied up by Pyramid's competitors since the spring of 1983, some six months before Pyramid ever ventured into Attleboro. These facts are well documented in the administrative record. Yet they have been overlooked by the regional E.P.A. in its zeal to kill the Pyramid project.

The E.P.A.'s effort to thwart Pyramid is also supported by a group of environmental activists led by the National Wildlife Federation, the Environmental Defense Fund, and several Massachusetts groups, including the Conservation Law Foundation. Deland has a long association with these groups. What do they have to gain?

By encouraging tortured regulatory interpretations such as those being put forth by Deland in the Attleboro case, they are trying to thwart the Reagan Administration's environmental policy while developing a "back-door" regional approach in order to change national standards. But the job of regional administrators like Deland is to implement policy, not to make or change it.

Coalition Politics

Finally, Deland has been joined by Senator John Chafee (R-RI) who is upset over the Army Corps' approval of the Attleboro project. He is apparently concerned that the Pyramid site, nestled just a mile and a half from the Rhode Island border, would draw sales tax revenues away from his home state.

So a powerful coalition has emerged—Deland, the National Wildlife Federation, the Environmental Defense Fund, the Conservation Law Foundation, Senator Chafee, and the New England Development Company. Their goals range from undermining the Reagan Administration to protecting home-state vested interests to eliminating business competition from the marketplace. None of these people seem primarily concerned about the quality of Attleboro's wetland resources.

Fortunately, E.P.A. Administrator Lee Thomas can straighten out the mess that Michael Deland and his coalition have created. Thomas will make the final decision on whether or not the Pyramid project should proceed after receiving a recommendation from Deland. He should clear the Pyramid project so that the local economy can enjoy more jobs, the consumers a new mall, and the wetlands an improved environment. ☎

Illinois

Hot Air in the Windy City

Michael Fumento

Chicago has had its own distinctive brand of politics since 1833, when 11 residents incorporated the town—by a vote of 12-1 (no kidding). It is a place where the dead rise from the grave not to devour the living but to cast ballots and where the unofficial electoral motto is "vote for the candidate of your choice, and vote often."

Richard J. Daley, first elected in 1955, was the greatest leader of the Chicago machine. Founded in 1931, the machine provided an otherwise volatile Chicago with political stability, a *Pax Democratica* of sorts, with the term referring not to democracy but to the Democratic Party which seized complete control of the city during the Great Depression and holds it to this day. The machine provided for slow, evolutionary change. It simply ignored the demands of insubordinate aldermen, and it domesticated the opposition by giving it a share of the spoils. The only threat to the machine in Daley's time came from the increasing black immigration into the city and consequent white flight to the suburbs, which created racial tension among whites and economic discontent among blacks. Boss Daley handled this demographic shift by throwing welfare, jobs, and public services to the blacks while soothing the whites by preventing integration.

Daley never had to deal with a Chicago of equal proportions of black and white. He died in office in 1976, leaving a power vacuum which has yet to be filled. Michael Bilandic was mayor for three years, but he was defeated in 1979 by petulant Jane Byrne, the first woman to hold the office. Enter Harold Washington, then a Congressman, formerly a legislator in the Illinois General Assembly.

Washington is witty, intelligent, and black. It was by virtue of his color that he won a plurality in the 1982 Democratic mayoral primary against Byrne and Richard Daley—the late mayor's son—and then went on to beat the Republican candidate, Bernard Epton. In the Epton-Washington race, each candidate sought to portray his opponent as an opportunist preying upon the racial prejudices of the electorate. Rumors, innuendo, and graffiti

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abounded, from the objectionable ("Punch two for the Jew; punch nine for the shine"), to the foul ("Nigger die" was spray-painted on the door of a church which Walter Mondale and Washington attended).

What complicated matters was the revelation that Washington was a crook, not in the generic sense ascribed to Chicago politicians as a whole, but in the literal sense of having had his law license suspended for taking clients' money without performing services and of having served a few weeks in the pen for not filing his income tax forms four years in a row. But Washington won the election anyway, squeaking by with 51.4 percent of the total, including 19 percent of the white vote and 97 percent of the black. The media celebrated his win as a victory over racism, concerning themselves little that Washington won only because the black racists were more monolithic than the white ones.

On the Job Training

Bernard Epton threw a temper tantrum and stomped off to Florida, while Harold Washington took office. But if the new mayor expected to have the run of the city as did his predecessors, or at least to have a decent honeymoon period, he was to be quickly and rudely awakened. Many of the newly elected and re-elected Democratic aldermen never liked Harold Washington. Some of the more conservative ones distrusted a mayor who had been a member of the radical Congressional Black Caucus. Some had even worked for his Republican opponent. They were in no mood to kiss and make up after the election. Twenty-one aldermen agreed to support Washington, but 29 lined up against him behind the leadership of Cook County Democratic Chairman Edward Vrdolyak.

The existence of the "Vrdolyak 29," as they came to be called, established a political gridlock in the City Council. With a majority of seats, the 29 could pass whatever legislation they wished and block that of the pro-Washington aldermen, but without a two-thirds majority they could not override the mayor's veto.

The 29's first act of defiance was to elect council chairmen at a meeting which Washington insisted was illegal because Vrdolyak reconvened it after Washington had left (thus earning for Vrdolyak the nickname "Fast Eddie.") Washington challenged the meeting in court and lost, but in so doing raised the ire of Vrdolyak's faithful lieutenant, Alderman Edward Burke, who attempted to use his position as City Council finance chairman to refuse to pay for the mayor's inauguration.

Heads of state no longer declare war, but mayors still do. On May 26, 1983, Mayor Washington solemnly told the public that he was involved in a conflict of "good versus evil." His conflict with the City Council "was no chess game," he averred. "This is no Mickey Mouse business. This is war." So began what a Chicago comedian later dubbed the "Council Wars."

The war was largely rhetorical, but it did approach violence during one session when Washington refused to grant Vrdolyak's request for a point of order. Responding to Washington's taunting, Vrdolyak called into question the mayor's gender, whereupon Washington informed him he was about to "get a mouthful of something you don't want." At this point Burke offered to take up the challenge. The fray soon died down and both Washington and Vrdolyak made light of it. But the next day Vrdolyak found that Washington had reduced his bodyguard force from five to two, a development which Vrdolyak, who regularly receives death threats, found not at all funny.

The usual weapons of the combatants are the resolution, the veto, and the lawsuit. Both Vrdolyak and Washington have done their best to depose each other. In May 1984, Alderman Burke revealed that Washington was three weeks late in filing a statment of his economic interests. For Mayor Washington, this was nothing unusual; those documents he remembers to file are routinely submitted late. But state law calls for forfeiture of office for the untimely filing of a financial statement, and Burke was quick to pounce upon this as the best way to bring the Council Wars to a quick and successful conclusion.

To no one's surprise, however, Washington refused to step down. Burke filed suit but a Circuit Court judge quickly dismissed it, pointing out that the law's draconian penalty had never been applied. The judge did advise that either the Illinois attorney general or the Cook County attorney file suit before the Supreme Court. But as both had political aspirations and hence no desire to alienate Chicago's blacks, both refused, leaving Alderman Burke in a very embarrassing lurch.

Washington had earlier chosen a more conventional route of trying to rid himself of his foe, trying to elect enough sympathetic committeemen to dump Vrdolyak as the County Chairman. Although Washington gained two committeemen, Vrdolyak remained in power. In fact, Washington found he couldn't even get rid of Vrdolyak's brother, Peter, whom he had fired from his $47,500-a-year job with the city. A U.S. District judge ruled that the dismissal was poltically motivated and therefore violated the "Skakman decree" of the Illinois Supreme Court, which prohibits the firing of lower-level government employees on the basis of political affiliations.

Washington took power threatening to tear down the patronage system that fueled the Democratic machine but the Shakman decree made wholesale personnel changes virtually impossible. Washington requested and received from the court the right to replace 1,200 employees, but he was unable to make a real dent in the city's 10,000 patronage positions. He is handcuffed for the duration of his leadership to the patronage system of earlier mayors.

Machine Dreams

Are the reports of the machine's death greatly exaggerated? Probably. It merely operates in two sections now—Washington doles out his allotted full-time patronage positions while both he and Vrdolyak hand out part-time jobs not covered by the Shakman rule. The allocation of contracts and city services is also decided by the two sections of the machine. There is even the possibility that the sections could one day, under different leaders, reunite. It will never regain its power—the growing strength of the media has emasculated all the old machines through repeated exposure of corruption, and Chicago's is no exception. But the Windy City machine is not yet ready to join Tammany Hall as only a quaint memory.

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The prevailing view is that racism is behind the Council Wars, and it is true that both sides have relied upon the racism of their backers. Vrdolyak has done little to embrace black voters and Washington has made few attempts to appeal to his white constituency. Vrdolyak knows that many white Chicagoans are terrified of what a black mayor could do to the city, and he draws strength from that fear. Washington plays on the racism of blacks.

But ideology seems to be at least as large a factor as race. Washington emerged as a political figure from the Congressional Black Caucus with its radical anti-defense and redistributionist agenda, while some of the Vrdolyak 29 and many of their supporters, despite their politically judicious Democratic affiliation, are conservative or moderate in both lifestyle and ideology. Washington himself has made only a few real concessions to blacks—he appointed a black police superintendent and issued an executive order requiring 30 percent of city contracts to go to companies controlled by minorities or women.

Washington has tended to conceal his shortcomings behind the racism issue. Among these is his inability to meet deadlines, keep appointments, or pay bills on time. Once Washington invited Vrdolyak to his apartment for an emergency Sunday morning tete-a-tete. After considerable knocking, Washington appeared at the door rubbing the sleep from his eyes; he had forgotten about the meeting. How does Washington respond to critics of his personal irresponsibility? Complained an angry Washington, "The mayor's late! Implication: black man can't be on time; colored folks time, that crap all over again."

Washington has also been handicapped by his lack of experience in urban political streetfighting. While Vrdolyak and Burke were slugging it out in the City Council, Washington was working in the comparatively genteel chambers of the Illinois General Assembly, the U.S. Congress, and the Illinois State Penitentiary. He has shown that he has a lot to learn.

In December 1985, for example, Washington ordered the removal of a nativity scene from City Hall, even though the Supreme Court had just declared city-sponsored nativity scenes constitutional. Vrdolyak, rising to the occasion, blasted the mayor in a public letter and Burke labelled Washington a "grinch." Regardless of the merits of Washington's position, his dismantling of the manger was politically unwise in so Catholic a town. For days, the switchboard in City Hall was more lit up than the city Christmas tree—which the mayor had had the good sense to leave alone. The nativity scene went back up.

Notwithstanding the best efforts of the Council Wars combatants, the "city that works" still does. The Chicago River is still dyed green on St. Patrick's Day, the baseball teams still can't win a title, and the fans are as loyal as ever. There have been serious delays, as when Washington vetoed the expansion of O'Hare Airport in a dispute over the power to award contracts. New taxes have been delayed by squabbling, costing the city money. Workers have been temporarily laid off. Whether or not city services have suffered is a matter of debate, though most people think they can't be any worse than they were under Mayor Byrne. Vrdolyak has alleged that trash recovery has suffered and went so far as to call a press conference to display a trash-filled lot and blame it on the mayor. But *Chicago Tribune* columnist Mike Royko countered that Vrdolyak had the trash dumped there himself and that anyway Chicago has always had a lousy garbage collection system.

Washington doesn't have much to smile about.

A more serious concern is the lowering of the city's credit rating by Moody's Investors Service. The Council Wars were not directly responsible for this. As Moody's report noted, "The city has declined in population, manufacturing, and retail sales" and "Its wealth levels and housing values are no longer above state averages." Departing investment is a real concern. The Speaker of the Illinois House, Michael Madigan, stated that several business associates and clients of his told him that given the fight between the mayor and the City Council, they had "foreclosed consideration of investment in Chicago."

Few people believe anymore that the Vrdolyak and Washington forces will ever forge a lasting ceasefire. Only total capitulation, brought about by defeat at the polls, will end the fighting. The Vrdolyak 29 look forward to the 1987 election and an anyone-but-Washington campaign.

But Washington clearly has the inside track. The black population in Chicago is projected to rise from 40 percent in the 1983 election to 44 percent in 1987. A *Chicago Tribune* poll taken last April showed him leading all the likely challengers in head-to-head competition. Moreover, if Washington is defeated in the Democratic primary he will almost certainly run as a third-party candidate, again using his 1983 primary election strategy of allowing the other two candidates to split the white vote and winning on the strength of minority turnout. Vdrdolyk's hope of finding a white knight candidate to restore his faction to absolute power are slim at present.

And what can Chicagoans do if neither Washington's nor Vrdolyak's forces take complete power in the next election? Then as Mike Royko puts it, "We might as well relax and sit back and take in the show."

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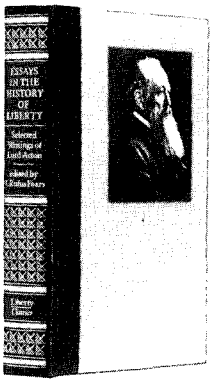

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BOOK REVIEWS

The Mugger And His Genes

Crime and Human Nature, *by James Q. Wilson and Richard Herrnstein (New York: Simon and Schuster, $16.95).*

Reviewed by Edward I. Koch

James Q. Wilson and Richard J. Herrnstein's new book *Crime and Human Nature* has created a stir in the criminal justice community because it resurrects an explanation of why some people habitually commit crime that has long been abhorrent to intellectual elites. Its central thesis is that certain individual biological—indeed genetic—traits, when combined with an uncertain moral environment, produce criminal behavior. Moreover, these traits can barely be changed, if at all. Such a conclusion slaps in the face the conventional wisdom of the past 20 years that criminal behavior can be socially engineered out of criminals. Wilson and Herrnstein insist that it cannot, and argue that shaping policies on that false premise will only lead to more crime.

Through contemporary criminological analysis, Wilson and Herrnstein revive a pre-20th-century view that criminal behavior results principally from weak or inadequate character. Two character traits in particular—lack of intelligence and innate aggressiveness—are strongly identified with anti-social activity. These traits do not condemn a person to a life of crime, however. The reinforcement of constructive social values at an early age can help reduce the likelihood that an individual will become seriously anti-social, and rob and kill other people. Studies cited by the authors indicate that it is essential to mold good character in the first few years of life because later attempts to influence subjective values have proven fruitless. At best, external conformity may be attained at later stages through intensive "behavior modification."

The problem with behavior modification is that it's mainly jargon—it doesn't work. Even someone who has been successfully treated through behavior modification finds that the behavior reinforcement he relied on in an institutional setting is lacking in civilian life, and may return to crime and mayhem. Even the most successful experiments in rehabilitation appear to fail in the long run because they cannot affect the underlying character that discounts integrity, compassion, willingness to defer rewards, and other qualities of civilized behavior.

Wilson and Herrnstein do not really suggest ways in which society can act to encourage the building of moral character during the formative years of a child's life. They merely note that interfering with family relationships is extremely sensitive and difficult, though some studies show that intensive family counselling can have a positive impact on delinquency. The book is very clear in its implications for the formulation of public policy, however: fair and swift punishment is indispensable if crime is to be deterred and reduced. By punishment the authors mean jail. By deterrence they mean both keeping multiple offenders away from the general public and strongly discouraging prospective criminals from acting out their proclivities.

Individual Responsibility

The authors' principal theory of criminal behavior asserts that "the larger the ratio of the rewards (material and non-material) of non-crime to the rewards (material and non-material) of crime, the weaker the tendency to commit crimes." The bite of conscience, the approval of peers, the opinion of family, friends, and employers are all important benefits of non-crime, as is the desire to avoid the penalties that can be imposed by the criminal justice system. These are balanced in the criminal mind against the wages of crime—both material gains and psychological rewards. Wilson and Herrnstein correctly note that the "reinforcers," or rewards for committing or not committing crime, are modified by innate and learned ability to discern and anticipate the consequences of antisocial behavior.

The basic assumption here is that "a person will do that thing the consequences of which are perceived by him or her to be preferable to the consequences of something else." Crime isn't particularly time-consuming or unpleasant work, and it brings rewards. If a criminal cannot anticipate punishment or being held accountable *at some point* by society, he will continue to commit crimes. As he sees it, there is no reason to stop.

Wilson and Herrnstein refute the prevailing notion that society somehow makes criminals. Instead, they insist upon the fundamental insight that an individual commits crime because of enduring personal characteristics. These innate factors include level of intelligence, genetic inheritance, anatomical configura-

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tion, gender, age, and early developmental pressures rooted in the nature of parental influence. Parental skills, especially the capacity to blend warmth and discipline, are especially crucial in the rearing process. The authors find only marginal roles for schools, neighborhoods, peer group values, television violence, and job market conditions as causes of crime. For the most part, their evidence is very persuasive. The people who try to blame civilization for criminal behavior look pretty foolish.

Of particular interest is the authors' genetic findings that criminals are more likely than non-criminals to be the sons of fathers with criminal records. This relationship holds even with adopted sons who have been removed from the influence of their fathers at a very early age. It appears to be indisputably clear that criminals have markedly lower intelligence than non-criminals.

The book also argues from studies that tend to find a high correlation between criminality and impulsiveness, and the inability of the offender to realize the consequences of his act. The lack of verbal ability is especially damaging to the capacity of an offender to engage in what the authors refer to as "the internal monologue" essential to seeing behavior in light of consequences that will or may materialize sometime in the future.

Don't Spare the Rod

Through their painstaking and comprehensive analysis of a massive amount of scientific research conducted within the last 10 years, Wilson and Herrnstein effectively destroy the shibboleth that poverty causes crime. This notion has been used to justify a list of rapes and broken heads in the past. The authors demonstrate that "as income rises so does crime," and that "chronically criminal biological parents are likely to produce criminal sons" irrespective of economic conditions.

Public officials are responsible for maintaining public safety and reducing crime. What lessons should they draw from this complex and controversial book? Wilson and Herrnstein seem to urge a policy of progressively severe punishment to replace the social experimentation of recent years. They do not think we can afford to play games with criminals.

In my view, it is undeniable that lax and indulgent crime control policies encourage those with the predisposition to commit crime to do it—and on a grand scale. Since the government can have only a marginal effect upon the quality of parental care, we must achieve an effective deterrent through criminal justice sanctions to blunt or dissuade the undesirable and dangerous behavior of those inherently inclined to crime. To be frank, we must start treating criminals as criminals. The history of crime control policies in this country during the 20-year period prior to 1980 demonstrates that high crime rates are partly caused by policies that do not hold guilty defendants to account and impose upon them an appropriate punishment.

In New York City, every major category of offense rose relentlessly from the levels of the late 1950s. A 1981 analysis by the city police of criminal offender patterns in the city for the decade of the 1970s disclosed a class of habitual felons of truly awesome dimensions. During these years, almost half a million individuals were arrested at least once in the city for a felony. Almost 20,000 of those had more than seven felony arrests in this period without a single felony conviction. Almost 40,000 had three felony arrests without a felony conviction. With respect to robbery, the most intimidating and socially destabilizing felony, approximately 100,000 individuals had been arrested in the city for that crime and two-thirds of these defendants had no felony convictions.

Who's to Blame?

How did this mess come about? How did this legion of habitual predators swell to such dimensions? The answer, in retrospect, is clear. The crime control policies of the city, the state, and the nation in those years directly contributed to the huge increase of dangerous felons on our streets. In the early 1970s, as crime rates soared, the state was actually closing down prisons. Riots in Attica and other state corrections facilities led to a policy of ever greater numbers of felons being placed on probation, and no significant new prison construction took place. In the city, riots in the Tombs led to the same consequence. City leaders decided that the appropriate policy was not to put dangerous felons in jail and prison, but rather to keep them *out*. Somehow, prisons and jails were said to be the cause of crime, rather than the answer to crime.

A policy of tea and sympathy replaced traditional theories of crime and punishment. The federal government, through the Justice Department and its Law Enforcement Assistance Administration, committed during those years almost $7 billion to the major cities of America to, in large measure, underwrite diversion programs, unconventional theorizing, and non-institutional mechanisms for dealing with arrested criminals. A curious collection of ad hoc experimental projects, largely grounded in theories of social engineering, were created to accomplish anything but punishment of offenders. A host of psychological counselling services, job programs, and mediation schemes sprang up. It seemed that every lawyer had just the client for whom a federally funded project had been designed.

The criminal justice system, always vulnerable to blandishments that promise to alleviate its caseload, cooperated. By 1981, the grim consequences were only too clear. A New York police analysis of 235 career robbery specialists who had been operating over the previous decade, disclosed an average of 12 previous arrests, seven of them for felonies, with an average prior conviction rate of significantly less than one felony and four misdemeanors. The aggregate amount of time served for the 12 previous arrests was less than three months.

Public Intuition

In New York City, these shocking trends were aggravated by the severe reduction of police strength brought about by fiscal irresponsibilities from the late 1960s through the mid-1970s, which led to the worst finan-

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cial crisis in the city's history. The Police Department shrank in size by one-third as crime rates rose in the mid-1970s to reach unprecedented levels in the late 1970s. The reduction of visible police patrols in the neighborhoods and on the thoroughfares of the city invited more crime in much the same way that the new criminal justice system's experimental practices encouraged it.

During these years, the systematic downgrading and reduction of state and local prisons, court diversion policies driven by federal grants-in-aid programs, the degeneration of plea bargain practices, and unprecedented reductions in police strength were accompanied by comprehensive legal restrictions on police power, imposed largely by federal courts in the wake of the 1961 exclusionary rule case, *Mapp vs. Ohio.* The criminal law became progressively more complex, and absurdly difficult for the cop on the beat to comprehend and apply. This was no less the case for lawyers and judges, and the net effect brought about the release of countless numbers of demonstrably guilty defendants on the basis of increasingly technical and subtle distinctions of procedural law.

These conditions led most Americans to regard their institutions of criminal justice as simply useless. Broad perceptions abounded that nobody got punished for anything, from shooting the President to running a red light. Fortunately, an ideological sea change in crime control policies has occurred in the years since 1980.

A systematic attempt to reverse the dynamic operating in our criminal courts for two decades has begun to transmit to potential offenders the axiom that crime does not pay. This is at the heart of the calculus in the Wilson-Herrnstein formulation that the choice of pursuing crime will be less attractive as the unattractive consequences become more clear. Thus, the number of convicted felons in New York prisons has more than doubled since I assumed office in 1978, and the indictment rate of arrested felons has also doubled. The visible presence of police on street patrols in New York City has dramatically increased, and the aggregate size of the force will reach pre-fiscal crisis levels by the end of next year. The federal courts have begun to introduce a strong antidote of common sense to a criminal procedure law which has become murky beyond all power of reason to penetrate. Most importantly, a new realism has been introduced in the crime and punishment debate, a recognition that government cannot be expected to reshape human nature.

This is, in the final analysis, the indispensable virtue of the work of scholars like James Q. Wilson and Richard J. Herrnstein. They have reflected the average citizen's intuition about crime and its causes, and through comprehensive learning and painstaking research, they have raised that intuition to a formidable argument on the need for imposition of the criminal law as a vehicle for "moral education." They find the source of all crime in human greed and cruelty, and reaffirm the need for its ringing condemnation by our public institutions.

Lessons of Nicaragua

Nicaragua: Revolution in the Family, *by Shirley Christian (New York: Random House, $19.95).*

Reviewed by Adam Meyerson

In July 1979, the people of Nicaragua freed themselves from the brutal kleptocracy of Anastasio Somoza Debayle, only to deliver themselves, with the help of the Carter Administration and much of the western hemisphere, into the hands of a Marxist-Leninist tyranny much more systematic in its oppression. This book, written by a distinguished Central America reporter now with the *New York Times,* is the most comprehensive history of the Nicaraguan tragedy yet available. It ought to be read by everyone who wants to build democracy and respect for human rights in countries run by right-wing dictators. For it is a classic textbook on how not to run American foreign policy and how not to conduct a democratic revolution.

Somoza was the third member of a family dynasty that had lorded over Nicaragua since seizing power in a 1936 coup. The family controlled the National Guard, the country's only military force, and it took over many of Nicaragua's most attractive coffee and sugar properties, while building up industrial, shipping, and airline empires. Elections were fraudulent, yet the dynasty was relatively benign. It tolerated harsh criticism from *La Prensa,* the country's largest newspaper, and from opposition parties that were prevented from coming to power but otherwise permitted to operate relatively freely. Until the 1970s, torture and political killings were infrequent by Central American standards. "Almost any problem" under the Somozas, writes Miss Christian, "could be straightened out by relatives, friendships, or money."

Three events in the 1970s made the Somoza dictatorship intolerable to Nicaragua's political, business, and religious leadership. Private enterprise groups accused Somoza of massive corruption in his handling of disaster relief after an earthquake destroyed 80 percent of the capital city of Managua in 1972. In 1976, the country's bishops, led by Archbishop (now Cardinal) Obando y Bravo of Managua, sharply criticized the National Guard for killing at least 200 peasants in a campaign against what was then a tiny band of Communist guerrillas called the Sandinista National Liberation Front. The last straw was the assassination in January 1978 of Pedro Joaquin Chamorro, the editor of *La Prensa* and Somoza's principal political opponent. Though it is highly unlikely that Somoza was behind the murder, Chamorro's death triggered mass demonstrations against the dictator. Miss Christian writes that "Even

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those who were politically ambivalent now thought that Somoza should go because he could no longer provide the one thing that made strongmen attractive: public order."

What followed in the next 18 months was a national uprising against Somoza. Businessmen, priests, labor unions, opposition leaders, Indians, and peasants all joined the revolution, often battling in the streets against the National Guard. Hatred of Somoza grew during the course of the fighting, as his National Guard ruthlessly fired on unarmed mobs and indiscriminately bombarded neighborhoods, treating the cities and villages of Nicaragua as if they were enemy territory. Altogether some 10,000 Nicaraguans were killed in the fighting, about 90 percent of them civilians, most of them victims of the National Guard.

Yet when the revolution was over and Somoza had fled to exile in Paraguay, power was in the hands of a new oppressor. The Sandinista National Liberation Front appealed to Nicaraguan nationalism by taking its name from Augusto Cesar Sandino, a resistance hero against the U.S. Marines, who periodically intervened in Nicaragua in the early part of this century. (The Marines supervised the last honest elections in Nicaraguan history, in 1924, 1928, and 1932.) But the Sandinistas took their ideology from another foreign source. In 1957, their cofounder and principal theoretician, Carlos Fonseca, wrote a booklet entitled *A Nicaraguan in Moscow* that portrayed the Soviet system as a model for Latin America.

Immediately after the revolution, as Miss Christian shows, the Sandinistas brought in thousands of Cuban and eastern-bloc advisers to lay the groundwork for the eventual consolidation of totalitarian power. Sandinista Defense Committees were set up in every neighborhood to spy on citizens and, through their control of food rationing, to suppress dissent. The Sandinista trade union seized factories, using force against their non-Marxist rivals. As early as 1980, *La Prensa* was prevented from reporting prohibitions on rallies by opposition parties. Tribal lands of the Miskito Indians were confiscated. Nicaragua is not yet a totalitarian state: freedom of religion, limited freedom of movement in and out of the country, and some private ownership are still allowed. But freedom of the press, of political assembly, and of trade unions have all been suspended, and Nicaragua is well on the way to being a new Cuba.

The Marxist-Leninist takeover of Nicaragua is therefore an important lesson for the Philippines, Chile, and other countries with unpopular dictators and the threat of Communist insurgencies. During the revolution against Somoza, the Sandinistas never numbered more than a few thousand guerrillas. Miss Christian contends that "The Sandinista Front probably would have become a footnote to history had a moderate regime been able to assume power in Nicaragua before the end of 1978."

By early 1979, however, the Sandinistas had become a powerful military force that was receiving massive arms shipments from Cuba and successfully organizing *turbas,* or mobs, in poor neighborhoods. The obstinacy of Somoza, the naivete of Nicaragua's opposition, the well-intentioned but disastrous meddling by Costa Rica, Panama, and Venezuela, and the colossal ineptitude of the Carter Administration all played into the Sandinistas' hands.

The principal blame for the Sandinista triumph probably belongs to Somoza, who failed to recognize that by 1978 his government had lost all legitimacy among the Nicaraguan people. In January 1979, Somoza rejected a plebiscite proposal that had been made by a mediation team from the United States, Guatemala, and the Dominican Republic and accepted by the Broad Opposition Front, consisting of most of Nicaragua's non-Communist political leaders. "The failure of the mediation effort," Miss Christian writes, "left the moderate opposition forces in Nicaragua—political parties, the church leadership, and private enterprise groups—dangling in the wind without desirable options. Their choice now lay between throwing their lot in with the Sandinistas or making peace with Somoza." Out of desperation, many cast their lot with the Sandinistas.

Yet many of Nicaragua's non-Communists had aided the Sandinista cause much earlier, naively playing into the hands of the "popular front" strategy of the *tercerista* faction headed by Humberto and Daniel Ortega. Despite objections by other Sandinistas such as Tomas Borge and Jaime Wheelock, the *terceristas* promised free elections and political pluralism in the hopes of establishing a broad anti-Somoza front that they could control, but that would also legitimize their revolution in the eyes of foreign governments and the press. They succeeded. In 1977, respected Nicaraguan non-Marxists, including businessman Alfonso Robelo and banker Arturo Cruz, joined a group called *Los Doce* (The Twelve), who convinced world leaders such as Omar Torrijos of Panama and Lopez Portillo of Mexico that the Sandinista Front would install a pluralist government. The Sandinista revolution was hardly Communist, Robelo told American reporters; otherwise why would it include him?

Perhaps the most valuable non-Marxist help for the Sandinistas came from Eden Pastora, a devout Catholic who battled Somoza because his father had been killed by the National Guard. Fighting with the *terceristas,* Pastora pulled off the most daring military exploit of the Nicaraguan revolution—the August 1978 capture of the National Palace while the country's Congress was in session. The capture netted the Sandinistas half a million dollars in ransom as well as the release of 50 prisoners, including Tomas Borge. It also gave the world the false impression that a non-Communist was the Sandinistas' most important military leader, an impression that the boastful Pastora happily reinforced in interviews with presidents and reporters. Presidents Torrijos of Panama and Carlos Andres Perez of Venezuela both sent arms shipments to the Sandinistas, believing that the guerrillas were dominated by Pastora.

The Sandinistas could not have come to power without the active aid of neighboring countries. Between December 1978 and July

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1979, at least 60 planeloads of arms and other supplies arrived in Costa Rica for the Sandinistas. Most came from Cuba, but many came as well from Panama and Venezuela, which had been aiding the Sandinistas since August 1978, earlier than Castro did. To disguise the Cuban connection, some of the planes from Havana were registered to the Panamanian Air Force. The unloading of arms in Costa Rica was overseen by Public Security Minister Johnny Echeverria with the full support of President Rodrigo Carazo. In 1978, Presidents Perez of Venezuela and Torrijos of Panama also tried to instigate a coup in Nicaragua by Somoza's cousin Luis Pallais, who had cold feet.

Nevertheless, these countries were deeply offended by the suggestion of the United States, at a June 1979 meeting of the Organization of American States, that the O.A.S. send a peacekeeping or police force to Nicaragua after Somoza left. This proposal would have prevented the Sandinistas from having a monopoly of weapons, but it was overwhelmingly rejected by the nations of Latin America in a bout of selective noninterventionism. Instead, by a vote of 17 to 2 with 5 abstentions, the O.A.S. called for the immediate replacement of the Somoza regime by a democratic government, with elections to be called soon. As Miss Christian points out, the resolution "contained no provision on responsibility for carrying out the things it called for except a vague reference to O.A.S. countries doing what they could to 'facilitate' peace." When the Sandinistas broke their promises, the O.A.S. fell silent.

Miss Christian reserves much of her harshest criticism for the alternately meek, alternately hectoring, and always incoherent policy of Jimmy Carter. The Carter Administration almost totally ignored Nicaragua in 1977 and most of 1978. What little attention it did pay was to see Nicaragua as a human rights problem, not a military problem or a political one, calling for the reorganization of the Somoza government. On June 30, 1978, President Carter sent Somoza an astonishingly conciliatory letter, praising him for a few liberalization measures—possible amnesty for political prisoners, allowing *Los Doce* to return to the country—without setting forth American expectations about elections or other fundamental political changes.

Three months later, the United States was heading up a mediation team to set a framework for immediate elections, but it failed to exert the necessary pressure on Somoza. Paralyzed by the principle of noninterventionism—Secretary of State Cyrus Vance, Robert Pastor of the National Security Council, and Anthony Lake of the State Department all advised against using U.S. power to force Somoza out—the Carter Administration had no idea what to do when Somoza failed to take the necessary steps to reestablish his legitimacy by holding elections and winning the war. Instead it pouted, recalling half the embassy staff from Managua, formally ending military aid to Nicaragua and pressuring Israel to halt its aid—during the very months that Castro was sending massive arms shipments to the Sandinistas. The administration evidently didn't worry about the military and psychological effects of its arms cutoff: as late as June 1979, Robert Pastor was telling Omar Torrijos that according to U.S. intelligence, Somoza could survive the present Sandinista offensive and hang on to power for some time to come.

In June 1979, as the administration belatedly recognized the danger of an immediate Communist takeover, paralysis was replaced by a frantic search for a non-Marxist solution. The new U.S. ambassador, Lawrence Pezzullo, convinced Somoza to step down in favor of a non-Marxist national reconstruction government, but failed to follow through in putting such a government together. The Carter Administration also showed little willpower in its efforts either to send an O.A.S. peacekeeping force or to preserve the National Guard under new leadership, and thus prevent the Sandinistas from being the only army in Nicaragua after the revolution.

All is not lost in Nicaragua. Today there is a new revolution against the country's new oppressors, and the contras number 20,000, a much stronger force than the Sandinistas ever were, though they also face a much stronger army than the Sandinistas had to.

The contra leadership includes Alfonso Robelo, Arturo Cruz, and other Nicaraguan democrats who initially helped legitimize the Sandinistas, but have since recognized that the Sandinistas betrayed their promises of democracy and pluralism.

The contras are being aided by some of the same countries who did so much to put the Sandinistas in power. And the United States, at least the Reagan Administration, is giving unequivocal support to a people willing to fight for its freedom.

In the meantime, what lessons can be learned from the Nicaraguan tragedy?

For dictators under pressure: Do not expect the United States to protect you from your own population. If you are faced with a Communist insurgency, you will prevail only if you have the support of your non-Marxist citizens. And if you cannot establish that support, the best legacy you can leave your country is to step down quickly in favor of someone who can.

For the moderate opposition: Make no alliances with Communists, and do not trust their promises of pluralism and democracy. The Communists will hijack your revolution for their own totalitarian purposes if you give them political and military control.

For neighboring democracies: do not destabilize a dictatorship you detest, unless you are prepared to stay around after the revolution and make sure that conditions actually improve.

And for the United States: Send firm and consistent signals of what you expect from a government that quickly needs to build popular support. If the current ruler refuses to do what is necessary, then replace him with someone who will. Withdrawal of military aid in the face of a Communist insurgency is not an option.

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DEPARTMENT OF DISINFORMATION

THREE MYTHS OF PROTECTIONISM

Myth 1: The trade deficit causes unemployment

The effect of our unilateral free trade policies has been a decline in employment.
Senator Jesse Helms (R-N.C.)
Testimony to Subcommittee on International Trade
Senate Finance Committee
July 15, 1985

One million apparel and textile jobs have left these shores since 1972 as a result of low-priced imports—and a million more are at immediate risk.
Sol C. Chaiken
President
International Ladies' Garment Workers' Union
New York Times, May 22, 1985

Since 1974, we've lost two-and-a-half million American jobs to foreign competition.
Lee Iacocca
Chairman of the Board
Chrysler Corporation
Speech to the League of Women Voters
May 15, 1984

If there is any correlation between the trade deficit and jobs, it is the opposite of that suggested by protectionists. Between 1980 and 1985, the merchandise trade deficit went from $25.5 billion to over $100 billion. During that same period, eight million net new jobs were added to the U.S. economy. We lost jobs in some sectors but more than made up for the losses elsewhere.

Compare this to the job situation in Europe. The Europeans generally maintain higher trade barriers than the United States, in large part to protect their domestic industries and domestic employment. Many industries are nationalized, and it is nearly impossible to lay off or fire workers. One might think that the job situation in Europe is pretty good, with so much state "protection." Just the opposite is true. Western Europe as a whole has *lost* between two and three million net jobs since 1975. During the same period, the United States added over 20 million net new jobs.

Protectionists like to point to workers in factories who, they say, will lose their jobs to foreigners without trade restrictions. But the protectionists fail to count the number of jobs lost elsewhere in the economy because of these restrictions. For example, the Congressional Budget Office estimated in 1984 that a "domestic content" bill that would prohibit the sale of most foreign cars in the United States would have cost the U.S. economy a net 66,000 jobs. Current attempts by Congress to limit the import of textile products would cost some 60,000 jobs in the retail sector alone. Trade restrictions inevitably cost more jobs than they save.

The ability of an economy to employ additional workers, at ever-increasing wage rates, is dependent on increases in overall economic productivity. Free trade means we can purchase more for less. Capital and labor are freed for higher valued enterprises. The resulting increased productivity will mean that labor becomes more productive and in greater demand.

Myth 2: The United States is a free trade country. It is others who practice protectionist policies.

The United States has permitted imports to gush ashore freely while not demanding comparable access abroad.
Senator Lloyd Bentsen (D-TX)
Wall Street Journal, November 1, 1985

In the past, the United States blinked at other countries' trade barriers even though our markets are among the most open in the world.
Senator Robert Dole (R-KS)
Washington Post, September 16, 1985

Free trade is quickly becoming a one-way street.
Representative Morris Udall (D-AZ)
Washington Post, September 1, 1985

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While the United States has freer trade policies than many other countries, it is by no means a sterling example of the free trade philosophy. America uses tariffs and quotas to restrict such goods as steel, autos, textiles, motorcycles, books, sugar, and peanuts.

It is estimated that auto quotas in 1984 cost U.S. consumers between $5 billion and $8 billion in higher car prices. The U.S. steel industry has received periodic protection since the late 1960s. The result: the industry failed to invest in modernization and now has pressured the Reagan Administration into forcing "voluntary" restrictions on steel imports from most steel-producing countries.

Sugar in the United States costs around 21 cents per pound wholesale, 700 percent over the market price, due to trade restrictions. Recently, U.S. customs officials stopped the entry of frozen Israeli pizzas and Korean egg noodles, each of which contains no more than one percent sugar. It was felt that this sugar was getting into the country around U.S. trade restrictions.

The U.S. textile industry provides the most glaring example of U.S. trade protectionism. The United States has placed multilateral restrictions on foreign textile and apparel products since 1961. These restrictions have grown ever tighter over the last decades. Today it is estimated that these restrictions cost U.S. consumers at least $23 billion and perhaps as much as $38 billion per year in higher prices. Recent congressional attempts to further restrict textile trade would add $14 billion, and perhaps as much as $28 billion, per year, to consumer prices.

Those who fulminate against foreign protectionism should remember that our own house is not in order.

Myth 3: The United States need not fear retaliation.

Japan can take action against the United States only by shooting itself in the foot.

Owen Bieber, United Auto Workers
Testimony to Senate Committee on Commerce, Science, and Technology
May 16, 1984

The most devastating trade war in our history occurred as a result of America's Smoot-Hawley tariff, signed into law in 1930. This huge increase of import duties was the final push needed to set off a decade-long, worldwide depression. In reaction to U.S. trade restrictions, other industrialized countries quickly restricted their own markets. This "beggar-thy-neighbor" policy was meant to protect jobs and productivity in the various countries. The result in the United States was a 66 percent decrease in both exports and imports between 1929 and 1933, a 50 percent reduction of GNP during the same period, and unemployment at 30 percent.

Since the end of World War II, the free countries of the world have moved towards a more open trading system. Yet the threat of retaliation for restrictions on trade remain real. For example, in 1983, China cut off purchases of U.S. wheat in retaliation for U.S. cuts in Chinese textile quotas. This cost U.S. farmers half a billion dollars in sales.

Retaliation against U.S. protectionist measures is now much more likely than in the past because there are so many alternate suppliers for goods that the United States exports. Wheat, for example, can now be purchased from Canada, Australia, France, or Argentina. High tech goods can be bought from Japan and increasingly from European and Asian firms. The larger the number of alternate suppliers, the greater the likelihood of retaliation.

Congressmen who deny that protectionist legislation breeds retaliation should be a bit more self-conscious and realize that *they* are retaliating against foreign trade barriers. Protectionism in Japan has not inspired the United States to open its markets further—indeed the opposite has occurred—so there is no reason to suspect that American sanctions will pry open Japanese markets.

Finally, it should be remembered that many countries do not have strong commitments to free trade. They share the misconceptions of U.S. congressmen about the way the market works. The sight of the United States, the most powerful economic nation in the world, turning to protectionism, will no doubt drive many other nations in the same direction.

Edward Hudgins

ASSESSING THE O.T.A.

The Office of Technology Assessment (O.T.A.), after an 18-month study, concludes that the Soviets could overwhelm even a sophisticated American defense system with ballistic missiles, bombers, and cruise missiles.

John Dillin
Christian Science Monitor, September 25, 1985

President Reagan's plan to build a leak-proof defense against nuclear missiles probably won't work unless the Soviet Union agrees to shrink its offensive arsenal, the Office of Technology Assessment said. The agency also questioned whether the United States could afford to deploy an effective missile defense system or could build one that would survive attack itself.

Tim Carrington
Wall Street Journal, September 25, 1985

The development of a defense against intercontinental missiles might make nuclear war between the United States and the Soviet Union more likely, analysts for Congress's Office of Technology Assessment (O.T.A.) concluded in a report.

Charles Mohr
New York Times, September 25, 1985

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Assured survival of the U.S. population appears impossible to achieve if the Soviets are determined to deny it to us.
Office of Technology Assessment Report, 1985

The O.T.A. report, like earlier reports by the Union of Concerned Scientists (U.C.S.) and Dr. Ashton Carter, was publicized as an authoritative scientific and strategic critique of the Strategic Defense Initiative (S.D.I.). It put together many of the most common criticisms of S.D.I.

The September 24, 1985 report is misleading both in its strategic and technical claims, however. The O.T.A. maintains that equivalent defenses by the United States and the U.S.S.R. would increase the risk of nuclear war because one side might be induced to strike first in the belief that its defenses could absorb most of the ragged retaliatory force of the other side. Thus, to maintain deterrence, the United States would not only need to ensure survivability of its missiles but also make sure they can penetrate Soviet strategic defenses: a double burden.

One problem with this argument is that the Soviet Union is moving as fast as possible toward a unilateral missile defense. So the only question seems to be whether both sides will have missile defense in the 1990s, or whether only the Soviet Union will. It is hard to imagine anything more destabilizing than an aggressive nation with the ability to destroy most of the unprotected arsenal of the other side while blunting the impact of a retaliatory strike though missile defense.

Even given equivalent defenses, however, will nuclear war be more likely, as the O.T.A. maintains? No, because the O.T.A. argument is based on the false assumption that both the first strike and the second strike require the same accuracy for success. If that was the case, then equal defenses on both sides would indeed favor the side that struck first. But in fact, to be successful, a first strike must eliminate retaliatory targets, mainly missiles, while a second strike must only do unacceptable damage, mainly to cities and industrial centers. Thus a first strike needs to be extremely accurate to achieve its prupose, while a retaliatory strike needs only to get a few missiles through in order to wreak massive havoc. These unequal requirements of precision and magnitude mean that first strikes would be greatly discouraged in a world with defenses on both sides. Such a world would be more stable than an undefended one, or one in which only one superpower had a missile defense.

The O.T.A. sounds a pessimistic note about the various technologies proposed for strategic defense. But according to General James Abrahamson, who heads the S.D.I. program, technical progress has been so unexpectedly swift that the Star Wars timetable for deployment can be brought forward by several years. Right now we are only in the research and testing stage; it is certainly premature to abandon promising technologies. Some of them, ignored or downplayed by the O.T.A. are:

The Free Electron Laser: This technology, initially considered a dark horse, has suddenly come to the fore because of successful tests at the Lawrence Livermore laboratories. The prospects are excellent for exceeding the 20-million-watt level needed to make this efficient and tuneable laser effective at incinerating Soviet missiles in their boost phase.

Adaptive Optics: A critical test in September 1985 revealed the effectiveness of ground-based lasers. This breakthrough eliminates the financial and technological problems of lifting fuel and power supplies for lasers in orbit. The so-called rubber mirror, by cancelling distortions in the atmosphere, enables ground lasers to focus a sharp beam onto mirrors in space, which redirect the beam to their target missiles. In the test, a rubber mirror successfully reflected upward to space, where it accurately tracked a rocket moving at high speed.

The Electromagnetic Railgun: Another dark-horse technology that has exceeded early expectations. No longer is the railgun inhibited from firing several "smart bullets" in succession at Soviet missiles because of the electronic stress of passing millions of amperes of electricity through its "rail." Recent tests show that the railgun can be made to withstand the electric force and reload in seconds.

The Scramjet: The rocket engine, based on elaborate calculations with Cray supercomputers, holds the promise of eliminating the need to haul liquid oxygen along for the ride into orbit, reducing the cost from thousands of dollars per pound—which we now pay for the space shuttle—to a few dollars per pound. Robert Jastrow says this may be the most important technical advance in S.D.I. to date because "the costs are being irrevocably altered in favor of missile defense over offense." With Scramjet technology, the Soviets could never hope to overwhelm a U.S. defense with more missiles—not without going bankrupt, anyway.

The O.T.A. suggests several countermeasures which it says the Soviet Union could easily erect to thwart an American strategic defense program. The defense professionals who have studied these in detail, however, say that they do not stand up to scrutiny. The two countermeasures most heavily stressed by the O.T.A. are:

The Space Mine: Can small covert satellites be designed to trace U.S. defensive satellites and destroy them on command? The trouble with the idea is that atmospheric drag affects space mines and satellites differently—air resistance automatically pulls them apart. In order to keep with its target satellite, the mine must use thrusters or small rockets of energy.

But these can be picked up by the agile infrared sensors on U.S. satellites, which can then destroy the killer satellites when they pose an imminent threat. Moreover, space mines are visible to ground sensors which not even Stealth technology can deceive. Finally, because of the complex tracking instrumentation and fuel requirements, space mines are hardly "an easier and more accessible technology" than the satellites they are tracking, as the O.T.A. report falsely asserts.

Fast-burn Boosters: Although this countermeasure has been thoroughly refuted in classified discussions among defense professionals, groups like the U.C.S. and the O.T.A.—which have access to that data—continue to claim that it poses a serious threat to U.S. defense efforts. Dr. Ashton Carter keeps saying that such boosters pose "a potent, even decisive, countermeasure against almost all concepts for boost-phase intercept."

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It is true that fast-burn boosters enable the Soviet ICBM to reach full speed in less than one minute—in contrast to several minutes needed without such a booster. After the quick burnout, the ICBM immediately releases its "bus" and warheads, making multiple targets to shoot down and thus a more formidable task for strategic defense.

But the problem is that even if the ICBM booster burns out quickly, the bus cannot release its warheads immediately—that is, within the atmosphere—because if it does, the accuracy of the warheads are greatly degraded because of their buffeting by aerodynamic forces at relatively low altitudes. Also, early separation of warheads from the bus would enable discrimination of warheads from decoys by the defense, because the lighter decoys will be held back by air resistance.

The only recourse for the Soviets is either to install a complex guidance and control system on every warhead—which increases weight too much to make it practical or cost effective—or to allow the bus to rise above the atmosphere before it fires its warheads, in which case the United States has ample time to shoot it down, almost as much time as if the fast-burn booster had not been used.

Realizing the vulnerability of many of their points to serious scientific analysis, the O.T.A. writers finally resort to trivial concerns—bombs smuggled in suitcases and diplomatic pouches, etc. This risk of Russians in baggy pants trudging across the Canadian border exists now. But knapsack A-bombs are a thousand times less powerful than the Volkswagen-size city destroyers carried by heavy ICBMs. Nuclear terrorists can threaten Hiroshima, but not thermonuclear holocaust. Strategic defense won't eliminate nuclear terrorism, it is true, nor will it solve the problems of aging and sex discrimination. Its promise lies in its ability to intercept ICBMs. It is enough to show that it has a reasonable chance to perform its limited task of intercepting ICBMs for research and testing in all areas to proceed as fast as possible.

Dinesh D'Souza

Third Party In Geneva

It is widely believed that there were two parties with negotiating positions, and high stakes, at the recent summit in Geneva: the United States and the Soviet Union. Actually, there was a third party with its own agenda: the American television news media. The following comments should identify the objectives and sympathies of the networks, and what kind of pressure they attempt to exert.

NBC News Special Report, Thursday, November 21, 1985, following President Reagan's speech

Tom Brokaw: It was a thoughtful speech, eloquent. This is the President of the United States, after all, who made headlines several times during his administration by attacking the Soviets in no uncertain terms. Referring to them at one point as the focus of evil. Saying at one time that they reserve for themselves the right to lie and steal and cheat. Tonight, more thoughtful, looking to the horizons . . .

Marvin Kalb: Each administration tends to rediscover the wheel, to learn the same lessons over and over again. Here is a President tonight saying how important it is that both sides maintain a dialogue. Well, this is something that was an opportunity for him for four and a half years, but he chose to do it now, at this particular point in his administration.

Steve Hurst: He [Gorbachev] knows that if he's going to make the progress he wants to make on the economic front, that he's got to cut back on defense spending and he knows also that he can't get involved in an expensive S.D.I. program of his own and do that at the same time.

CBS Evening News, Thursday, November 21, 1985, after the press conference

Mark Phillips: A key adviser to Gorbachev confided afterwards that the Soviet leader did not have a very high regard for President Reagan's intellect.

NBC Nightly News, Thursday, November 21, 1985

Tom Brokaw: Whatever the summit ultimately produces, it will long be remembered for the theater of it all. America's vigorous 74-year-old President, who has spent a good deal of his political life excoriating Communism, meeting the Soviet Union's new generation of leadership, a master communicator in his own right.

CBS Evening News, Wednesday, November 20

Bill Moyers: George Bush and Jack Kemp and other rivals to succeed Ronald Reagan were in the invisible crowd too. If the President declares peace on Russia, the far right conservatives will be on the warpath in 1988.

NBC Nightly News, Tuesday, November 19, 1985

John Cochran: The smile and the charm are still there, but Raisa Gorbachev is taking this trip very seriously. Past references in the Western press to the "Gucci comrade" and the "Bo Derek of the steppes" have not gone down well in the Kremlin, and advance word from Moscow was that Mrs. Gorbachev regarded fashion and glamor as too frivolous for the superpower summit. As if to underscore that, today she wore the same coat, and the same blouse, and the same earrings she wore yesterday. But she still has an eye for the beautiful and the expensive, here examining a Swiss specialty, antique watches.

NBC Nightly News, Wednesday, November 20, 1985

Jim Bitterman: There's been much recent nostalgia about the good old days of detente, for those brief intervals since the war when Moscow and Washington cooperated on the earth and off . . .

ABC World News Tonight, Tuesday, November 19, 1985

Mikhail Gorbachev: Jews are a part of the Soviet peo-

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ple. They are fine people. They contribute a lot to the development of our country. They are very talented people. Therefore, the so-called problem of Jews in the Soviet Union does not exist.

Walter Rodgers: I think Mikhail Gorbachev clearly enjoyed himself today. He's a good politician. He took that meeting with Jesse Jackson—he may have been talking to Jesse Jackson, but he was sending a clear signal to Ronald Reagan at the summit—saying if you want to talk about human rights, we're prepared to talk about human rights. Gorbachev could have brushed aside the question on Soviet Jewry. In fact, he turned it into an offensive. He talked to a leading critic of President Reagan. Gorbachev was in very good form today.

CBS Evening News, Tuesday, November 19, 1985

David Martin: When dealing with weapons of this magnitude, any kind of limit helps.

NBC Nightly News, Monday, November 18, 1985, commentary

John Chancellor: They are very different people but there are some interesting similarities. Mr. Reagan deserves the title, the Great Communicator, but Gorbachev is better at communication than any Soviet leader in memory. He's a brilliant performer at press conferences and interviews. Both men like to run against the governments they head. Mr. Reagan complains constantly about the size and inefficiency of his own federal government. Gorbachev's highest priority is to make the vast Soviet bureaucracy perform better.

Both men represent countries that are armed to the teeth and still arming. At the same time, both the United States and the Soviet Union are in economic trouble. The deficits are a crushing burden for the American economy and the Soviet system is just a colossal mess.

CBS Evening News, Monday, November 18, 1985

Dan Rather: The President's dream of a system to destroy attacking missiles in space is the most troublesome issue facing the superpowers. And in a world stalked by the shadow of nuclear nightmare, the one issue that has provoked the most debate the world over.

ABC News, This Week with David Brinkley, Sunday, November 17, 1985, discussion at end of show

Sam Donaldson: Ronald Reagan wants to leave office after eight years, and Mrs. Reagan wants him to leave office after eight years, as a man who worked toward peace. And I think he's smart enough to know you don't do that by calling them [the Soviets] an evil empire, the focus of evil in the modern world . . .

Sam Donaldson: Since 1979, both sides have added hundreds of warheads to their nuclear arsenal, both sides have improved their weapons systems. Now we're talking about a so-called Star Wars system. And if we keep doing that George [Will], at some point in the future, and it's not infinity, then we're going to have a clash. And a clash with nuclear weapons means the end of us all.

CBS Evening News, Friday, November 15, 1985

Mark Phillips: For years, the massive investment the Soviets have had to make in their military to match U.S. investment has taken its toll on the domestic economy. Now, if they have to match or counter Star Wars, the new hope of a better lifestyle will be shelved.

Steve Hurst: The people he [Gorbachev] represents desperately hope for success at the summit. They speak out for peace, and it's not just propaganda, a parrotting of the strident official press. Every family here has horrible memories of the last war.

CBS Evening News, Tuesday, November 12, 1985

Bruce Morton: A special grocery store, a bakery, a library, technical classes for workers who want to get ahead, day care for workers' children. All of these low-cost services are part of an explicit bargain the Soviet workers have made with their government. They are less free than workers in the West, but more secure. Here, they tell visitors, we never have to worry about being unemployed. That bargain doesn't worry Evgeniy. (Evgeniy Lunkov, Soviet factory worker: "I have little to worry about at home. The only worry has to do with the international situation.") In other words, Evgeniy means, with Ronald Reagan.

CBS Evening News, Tuesday, November 12, 1985

David Martin: But in a world without arms control, the biggest problem for both sides would probably be created not by offensive weapons like this Soviet behemoth, but by defensive weapons like this high speed interceptor rocket which does not even carry a nuclear warhead, which figure prominently in President Reagan's version of a Star Wars defense.

ABC World News Tonight, Tuesday, November 5, 1985

Barbara Walters: Mr. Gorbachev has startled many in the West by his grasp of Western-style politics and politicking. But that may be where the similarities end. One leader I spoke to said there is an essential difference. With Mr. Gorbachev, he said, you get answers. With Mr. Reagan, you don't.

Compiled by **Brent Baker**, a media analyst at the National Conservative Foundation.

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policy REVIEW

Israel is really our only reliable ally in the Middle East. Only Israel can oppose Soviet hegemony over the entire area.

Senator Jesse Helms
"Keeping Faith:
A Baptist Deacon Reflects on
American Policy Toward Israel"

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